

DOMINION BANK v. TORONTO MICA CO.—MASTER IN CHAMBERS
—JUNE 7.

Summary Judgment—Con. Rule 603—Defence to Action on Promissory Note.]—Motion by the plaintiffs for summary judgment under Con. Rule 603 in an action upon a promissory note. The Master said that the affidavits filed in answer disclosed such a state of facts as entitled the defendants to defend the action; referring especially to the following facts: that the manager cannot say when the plaintiffs first got the note sued on; the uncertainty whether the secretary-treasurer of the defendants was duly appointed and so authorised to sign; and the deposit with the plaintiffs of a large amount of scrip by the defendants' manager and the terms of the letter sent therewith before the note was given; and that the plaintiffs still held the scrip. Reference to Northern Crown Bank v. Yearsley, ante 655; Farmers Bank v. Big Cities Realty and Agency Co., ante 397. Motion dismissed; costs in the cause. W. B. Milliken, for the plaintiffs. S. H. Bradford, K.C., for the defendants.

RE ROBINSON—MIDDLETON, J., IN CHAMBERS—JUNE 7.

Lunatic—Order Declaring Lunacy—Petition to Supersede—Evidence—Supplementing—Practice—Appointment of Expert.]—Petition by John R. Robinson, declared a lunatic, for an order superseding the order declaring insanity and appointing a committee. The petition not only alleged sanity at the time it was presented, but that the petitioner never was a lunatic, and attacked not only the order made here, but also certain proceedings taken in California upon which the proceedings here were to some extent based. Notice of the petition was given to the committee and to no one else. The committee submitted to whatever order the Court might make. MIDDLETON, J., after setting forth the proceedings in California and here, said that the medical evidence produced consisted of two short affidavits of medical men in good standing. One of them said he knew the petitioner and other members of his family, and had been informed of the circumstances set forth in Robinson's affidavit and petition; that on the 19th May he carefully examined Robinson, and "as the result of my examination I have no hesitation in saying that, in my opinion, the said Robinson is not a lunatic, and is perfectly cap-