

Boyd, C.]

RE NORRIS AND RE DROPE.

[Dec. 18, 1902.

*Administration—Of estate moneys in Court—Care of—Lunatics' estates—Committee's duty as to—Scheme for maintenance—Taxation of costs.*

The rule has for many years been that when the Court intervenes in respect to the property of persons not sui juris the money shall not be left to private investment but shall be paid into Court and become subject to its general system of administration by which the interest will be punctually paid and the corpus will always be forthcoming when needed.

The general rule to be observed by local officers when it is advisable that the estate should be realized and turned into money is that the fund so realized shall be paid into Court, and when part of the estate is converted and part kept for the abode of a lunatic or otherwise the scheme for dealing with the whole shall be reported to the Court that proper directions may be given.

In two cases where Local Masters had reported schemes for the maintenance of lunatics and made provision for the moneys of the estates being collected by the respective committees and thereafter for their investment by the committees on securities of different kinds at their discretion and in one case had taxed the costs and inserted the amount in the report.

*Held*, that it is imperative that the costs in lunacy matters be taxed by the proper officer in Toronto, as the Local Master has no authority to tax them.

And *held*, that the moneys in the hands of the Committees and to be collected from debtors or by the sale of the land must be forthwith paid into Court.

*Swabey*, for the committee in Norris case. *W. E. Kerr*, Cobourg, for the committee in Drope case.

Britton, J.]

MAJOR T. MCGREGOR.

[Dec. 24, 1902.

*Libel on postal card—Words of abuse—Natural signification—Innuendo.*

The defendant, a tax collector, having applied to the plaintiff for payment of certain taxes was told by him that J. S. should pay them. He subsequently wrote and mailed to the plaintiff a postal card stating "I saw J. S. this morning, he said make the S. B. pay it."

In an action for libel in which plaintiff claimed that "S. B." applied to him and meant "son of a bitch,"

*Held*, that there was no reasonable evidence to go to the jury that the letters conveyed the meaning attributed to them by the plaintiff; they are words of abuse but are, as often used, absolutely meaningless; they do not impute anything against the character of the mother and are not a statement of a fact of something obviously untrue; and in their natural signification are not actionable and that the plaintiff had failed to prove his innuendo.

*Gogo*, for plaintiff. *MacLennan*, K.C., for defendant.