

by the person to whom issued individually or by his family collectively. The second definition of "family" in the Oxford Dictionary is cited: "The body of persons who live in one house or under one head, including parents, children, servants, etc." The word has a flexible meaning, coloured by the context. In this connection it means the heads of the family and their children. The whole family of a purchaser of a ticket may travel at one time on the same ticket till the limit per capita is exhausted. The word does not, as used, include servants.

The defendants may take such means as are fitting to define, by name or otherwise, the persons who are to be included in each family, so as to guard against personation.

Judgment for the plaintiffs with costs.

BOYD, C., IN CHAMBERS.

NOVEMBER 4TH, 1915.

\*LUCZYCKI v. SPANISH RIVER PULP AND PAPER  
MILLS CO.

*Alien Enemy—Action by, Begun before War—Stay of Action until after Restoration of Peace—Judicature Act, sec. 16 (f)—Plaintiff Resident in Enemy Country—Security for Costs—Stay of Proceedings without Order—Costs.*

Appeal by the plaintiff from the order of Mr. Holmsted, Senior Registrar, sitting in lieu of the Master in Chambers, dismissing the action, brought by an alien enemy, without prejudice to a fresh action after the restoration of peace: 8 O.W.N. 616.

Oscar H. King, for the plaintiff.

B. Holford Ardagh, for the defendants.

THE CHANCELLOR said that the action was in tort—an action under the Fatal Accidents Act; the plaintiff lived in Galicia; the action was begun in June, 1913. On the 27th June, 1913, an order for security for costs was obtained, and on the 3rd September, 1913, the sum of \$200 was paid into Court in response thereto. On the 13th September, 1913, issue was joined; and in December, 1913, an application was made by the plaintiff for the issue of a commission to take evidence in Austria. In February, 1914, the commission was issued, and sent, through the Austrian Consul, to the local Court in Galicia; but, it was