

BOYD, C.]

[May 11.]

IN RE CAMERON, MASON & CAMERON.

Executors and administrators—Advertisement for creditors—R.S.O., c. 110, s. 36—Ontario Gazette.

Publication in the *Ontario Gazette* of an advertisement for creditors, pursuant to R.S.O., c. 110, s. 36, is not necessary to release executors from liability for payments made by them.

Watson, Q.C., for Sarah Cameron.

J. W. Kerr for Jennie Edington.

W. R. Riddell for the executors.

C. W. Kerr for the executrix.

Q.B. Div'l Court.]

[May 16.]

TALBOT v. POOLE.

Costs—Taxation—Appeal to Divisional Court—Counsel fees Discretion of taxing officer—Travelling expenses—Rule 1172. "Taxable costs of defence."

An appeal lies to a Divisional Court from an order from a Judge in Chambers upon appeal from a certificate of taxation of costs.

The discretion of a taxing officer as to the amount of counsel fees will not be interfered with upon appeal.

A plaintiff who is entitled only to Division Court costs of an action can tax as part of such costs his travelling expenses from England to attend the trial, if he is a necessary and material witness.

The words "taxable costs of defence" used in Rule 1172 do not mean costs as between solicitor and client.

G. W. Marsh for the plaintiff.

Middleton for the defendant.

Div'l Court.]

[May 18.]

BALDWIN v. MCGUIRE.

Jury notice—Equitable issue—O.J. Act, R.S.O., c. 44, s. 77. Rules 677, 678.

Where equitable issues are raised in a common law action, a jury notice is irregular under the Ontario Judicature Act, R.S.O., c. 44, s. 77, and Rules 677 and 678, and will be struck out.

E. D. Armour, Q.C., for the plaintiffs.

C. Millar for the defendant.

MEREDITH, J.]

[May 18.]

LEE v. MIMICO REAL ESTATE CO.

Staying proceedings—Motion—Court or chambers.

A motion by the defendants in an action to stay proceedings therein after satisfaction of the plaintiff's claims should be made in chambers, not in court.

Where such a motion was made in court, it was enlarged into chambers, and costs were ordered against the applicants.

DuVernet for the plaintiff.

F. C. Cooke for the defendants.