

ARNOUR, C.J., FALCONBRIDGE, J., }  
STREET, J.

[May 19.]

SAMPLE v. McLAUGHLIN.

*Security for costs—Application against solicitor—Action brought without authority—Applicants out of the jurisdiction.*

Upon an application by the solicitor who brought this action in the names of several plaintiffs for an order for security for costs of proceedings taken against him by two of the plaintiffs, who resided out of the jurisdiction, to set aside the judgment in this action and strikes their names out of the record, upon the ground that the solicitor had no authority from them to bring the action in their names,

*Held*, that the solicitor having brought these plaintiffs into Court by the use of their names, they were entitled to come into Court to defend themselves against such use, without being required to give security for costs.

*In re Perry*, 2 Ch.D. 531, followed.

*Held*, also, that where a charge of improper conduct is made against a solicitor, who is an officer of the Court, by a person out of the jurisdiction, the Court ought not to order security for costs, and thus prevent such a charge being investigated.

*W. M. Douglas*, for the solicitor.

*Aylesworth*, Q.C., for the applicants.

Mr. Cartwright, }  
Official Referee. }

[May 20.]

CHURCH WARDENS OF CHURCH OF ST. MARGARET v. STEPHENS.  
*Nuisance—Injunction—Exclusive jurisdiction of Court of Chancery—Jury notice.*

Action to restrain the playing of a band near a church as a nuisance.

*Held*, that the jury notice served by defendants should be struck out on the ground that the cause of action is one formerly within the exclusive jurisdiction of the Court of Chancery, and that this case is not distinguishable from *Lenden v. Didmon*, 16 P. R. 74.

*Held*, also, that *Lenden v. Didmon* is not affected by *Toogood v. Hindmarsh*, 33 C.L.J. 396.

The English practice appears to be different, see *West v. White*, L.R. 4 Ch. D. 631, and *Powell v. Williams*, L.R. 12 Ch. D. 234.

*H. T. Beck*, for plaintiffs.

*A. McLean Macdonell*, for defendants.

STREET, J.]

[May 20.]

FAULDS v. FAULDS.

*Parties—Misjoinder of defendants—Distinct causes of action.*

The plaintiff's claim as against her husband, one of the defendants, was for specific performance of an ante-nuptial contract to transfer to her certain property of various kinds, and as against the several other defendants, to whom the husband had made transfers of such property, or in whose hands it was, for relief by way of declaration, cancellation, and order for payment.