

The enactment in Ontario of legislation establishing the liability of the Crown for wrongs committed by its servants, suggested.

*Aylesworth, Q.C., and F. W. Hill, for the plaintiff.*

*Irving, Q.C., and W. M. German, for the defendants.*

MEREDITH, C. J., ROSE, J.]

[September 15.]

CAMPAU v. RANDALL.

*Summary judgment—Rule 739—Special appearance—Defence of want of jurisdiction—Judicature Act, 1895, sec. 124—Absence of defence on the merits.*

Action upon a foreign judgment. Both plaintiff and defendant resided out of the jurisdiction; neither of them was a British subject; and the cause of action upon which the judgment was recovered arose out of Ontario. The plaintiff's right, if any, to sue in this Province depended upon sec. 124 of the Judicature Act, 1895. The defendant entered a special appearance, and raised, by pleading, the question of jurisdiction.

Upon appeal from an order affirming an order refusing summary judgment under Rule 739,

*Held*, that although the defendant failed to show that he had a good defence to the action on the merits, and disclosed no facts that would have entitled him to defend in an ordinary action, yet the discretion exercised below should not be interfered with, having regard to the special nature of the jurisdiction conferred by sec. 124, and the provision requiring, even where no appearance is entered, the plaintiff's claim to be proved before he obtains judgment.

*J. B. Clarke, Q.C., for the plaintiff.*

*L. G. McCarthy, for the defendant.*

BOYD, C.]

WILSON v. MANES.

[June 15.]

*Security for costs—Appeal to Divisional Court—Judgment at trial—Rule 1487 (803).*

Rule 1487 (803) does not interfere with the previous and still existing right to appeal from the judgment of the trial Judge to a Divisional Court. The words "appeal from a single Judge," mean from a Judge presiding in Court, and not at the trial of a cause. A party has the right to prosecute an appeal from the judgment at the trial to a Divisional Court, without terms being imposed as to giving security for costs.

*Semble*, that security should be "specially ordered" under Rule 1487 (803), upon an appeal by the defendant, where substantial questions arise, and the action is of a penal character.

*Aylesworth, Q.C., for plaintiff.*

*W. E. Middleton, for defendant.*

BOYD, C.]

STARK v. ROSE.

[June 25.]

*Receiver—Ex parte order—Costs—Review.*

After judgment a receiver may be appointed ex parte in case of emergency or where there is danger apprehended in the disposal of property.