

Barker, J.]

GODEFROI v. PAULIN.

[Nov. 15.]

Practice—Motion to take bill pro confesso—Service of clerk's certificate.

On a motion to take a bill pro confesso for want of a plea, answer or demurrer, the defendant need not be served with a copy of the clerk's certificate of the filing of the bill, and that no plea, answer or demurrer has been filed. *MacRae v. Macdonald*, N.B. Eq. cases 498, not followed.

G. G. Gilbert, Q.C., for plaintiff. A. I. Trueman, for defendant.

McLeod, J.]

NASE v. PROGRESS PUBLISHING CO.

[Nov. 29, 1898.]

Practice—Trial by jury—Libel—Notice to sheriff—60 Vict., c. 24.

An action for libel may be tried by the jury in attendance at the sittings of the Court, though no notice was given by the plaintiff to the sheriff under s. 155 (4) of the Supreme Court Act, 60 Vict., c. 24.

L. A. Currey, Q.C., for plaintiff. C. N. Skinner, Q.C., and A. W. MacRae, for defendant.

EXCHEQUER COURT—ADMIRALTY.

McLeod, Loc. J.]

LAHEY v. THE MAPLE LEAF.

Yacht dragging anchor in public harbour—Salvage—Jurisdiction—R. S. C., c. 81, s. 44.

A yacht, with no one on board of her, broke loose from anchorage in a public harbour during a storm, and was boarded by men from the shore when she was in a position of peril, and by their skill and prudence rescued from danger.

Held, that they were entitled to salvage.

The plaintiffs claimed the sum of \$100 for their services.

Held, that inasmuch as the right to salvage was disputed, the provisions of R. S. C., c. 81, s. 44 did not apply, and that the Court had jurisdiction in respect to the action.

W. H. Trueman, for plaintiffs. J. R. Dunn, for yacht.

McLeod, J.]

WYMAN v. THE DUART CASTLE.

[Dec. 12, 1898.]

Security for costs—Admiralty action—Temporary residence of plaintiff within New Brunswick.

The plaintiff while in the service of the defendant steamer as an engineer, received physical injury, and brought action therefor against the defendant steamer by summons in rem, and caused the arrest of the steamer, upon which bail was put in for the amount of the plaintiff's claim and costs of action. The plaintiff was injured on March 18, 1897, and was