

Præc.]

NOTES OF CANADIAN CASES.

[Prac.]

per cent. per annum. The amount claimed was \$149.50.

The maker died in the County of Essex long after the maturity of the note; her will was proved in Essex, and the defendants at the time of the action resided in that county.

*Held*, that the death of the maker, the circumstances of her making a will appointing the defendants executors, and the proving of the will by the executors, were no part of the cause of action which was complete before the granting of the probate.

*Held*, also that the Court sought to be prohibited had jurisdiction by virtue of 43 Vict. c. 8, s. 8 and 12 O.

*Aylesworth*, for the motion.

*Alan Cassels*, contra.

Boyd, C.]

[Jan. 15.]

CAMERON V. CAMERON.

*Production of documents—Unsent letters.*

In an action to establish a will, which the defendants impeached for want of testamentary capacity and set up a prior will, the defendant included in his affidavit of production, as Nos. 19 and 20 in the schedule of letters, copies of letters, from himself to the testatrix, dated 29th December, 1882, and 8th March, 1883, but objected to produce them for inspection on the ground that they were never mailed on sent to their destination.

The Master in Chambers ordered the letters to be produced and the defendant appealed.

*Held*, that all memoranda and writings, or pieces of paper with writings on, which may throw light on the case, whether they would or would not be evidence *per se*, are subject to production unless they can be protected, and the mere fact in the case of a letter that it was not forwarded to its destination is no ground of exemption.

*Huson Murray*, for the defendant.

*A. H. Marsh*, for the plaintiff.

Rose, J.]

[Jan. 23.]

NAPANEE, TAMWORTH & QUEBEC RY. CO.  
v. McDONELL.

*Dismissing action—Want of prosecution.*

Upon a motion to dismiss the action for want of prosecution the Master in Chambers ordered that the plaintiffs' statement of claim, filed pending the motion, should be allowed to stand as good and sufficient, and refused the motion to dismiss.

Upon appeal,

*Held*, that the filing of a statement of claim is not a sufficient answer to a motion to dismiss. The plaintiffs not having, in the opinion of the learned judge, sufficiently explained and offered excuse for a delay of nearly two years, and not having shown a probability of speeding the action, the learned judge allowed the appeal, and dismissed the action with costs.

*McPhillips*, for the appeal.

*Lefroy*, contra.

Rose, J.]

[Jan. 30.]

PLUMMER V. LAKE SUPERIOR NATIVE  
COPPER CO.

*Judgment—Foreign corporation—Liquidation.*

Leave was given to sign final judgment under rule 80, O.J.A., against a company incorporated in England, having its head office there, and in process of liquidation there, but doing business and having assets and liabilities in Ontario.

*Shepley*, for the plaintiff.

*Rae*, for the defendants.

Galt, J.]

REYNOLDS V. BARKER.

*Security for costs—Temporary residence.*

An order for security for costs was made against the plaintiff by His Honour Judge Benson, Junior Judge of the United Counties of Northumberland and Durham, on the ground that the plaintiff resided out of the jurisdiction.

GALT, J., reversed this order, following *Redondo v. Chayter*, 4 Q.B.D. 453, where the plaintiff resided temporarily within the juris-