

the local Judges at Windsor requiring plaintiff to give security for costs.

E. S. Wigle, Windsor, for defendant.

R. U. McPherson, for plaintiff;

The COURT (BOYD, C., FERGUSON, J., MACLAREN, J.A.) held that the order of the Chief Justice was well founded. The plaintiff had been in the country nearly three years, and was engaged in an enterprise as to a patent air brake which from the pleadings, it would seem, both parties admitted to be of importance and of financial promise. This was likely to keep him in the country for a long time, and the evidence was all that way, and repugnant to the idea of a mere temporary sojourn. He had no family associations or residence, according to his own evidence, which was not controverted, which would draw him to the States, though he might still be of American domicil. Appeal dismissed. Costs in cause to plaintiff.

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APRIL 8TH, 1903.

DIVISIONAL COURT.

SMALL v. AMERICAN FEDERATION OF MUSICIANS.

*Writ of Summons—Service—Unincorporated Voluntary Association—International Association—Service upon Executive Officer in Ontario—Service on Members.*

Appeal by defendant association from order of MEREDITH, J., in Chambers, ante 199, affirming order of Master in Chambers, ante 26, dismissing a motion to set aside the service of the writ of summons on one Carey for the defendant association.

J. G. O'Donoghue, for defendants.

C. A. Moss, for plaintiff.

THE COURT (BOYD, C., FERGUSON, J., MACLAREN, J.A.) held that service on Carey was not service on the association, but that service on the individual defendants was good service on the members of the association. Order varied. No costs.

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APRIL 8TH, 1903.

DIVISIONAL COURT.

COBBAN MFG. CO. v. LAKE SIMCOE HOTEL CO.

*Costs—Mechanics' Lien Action—Examination for Discovery—Disbursements—Counsel Fees—Professional Disbursements.*

Appeal by defendants from order of FALCONBRIDGE, C. J., in Chambers, dismissing appeal from taxation by the senior taxing officer at Toronto of defendants' costs of a mechanics' lien action.