

MEREDITH, C.J.C.P., IN CHAMBERS.

OCTOBER 19TH, 1909.

STIDWELL v. TOWNSHIP OF NORTH DORCHESTER.

Parties—Substitution of Assignee of Original Plaintiff—Order to Continue Proceedings — Praecept Order — Confirmation on Terms—Security for Costs—Examination of Parties.

An appeal by the defendants from an order of the Master in Chambers, ante 51, refusing to set aside a praecipe order to continue the action at the suit of the assignee of the original plaintiff.

W. E. Middleton, K.C., for the defendants.

J. F. Lash, for the plaintiffs.

MEREDITH, C.J., held that Con. Rule 396 did not apply, and that the order should not have been made on praecipe or ex parte, but allowed it to stand upon the terms mentioned in the note ante 73.

APPENDIX.

COLONIAL DEVELOPMENT CO. v. MITCHELL—MASTER IN CHAMBERS—OCT. 29.

Foreign Commission.]—Motion for a commission to take the evidence of the defendant and of witnesses on his behalf at New York. The Master made the order for a commission, saying that the disposition of motions of this character must depend upon the facts of each case as it arises: *Mills v. Mills*, 12 P. R. 473; *Robins v. Empire Printing and Publishing Co.*, 14 P. R. 488; *Ferguson v. Millican*, 11 O. L. R. 35. The defendant was unwilling to come to this province because a true bill for obtaining money by false pretences was standing against him at Ottawa; it appeared that an application for his extradition had been refused. The Master thought this would not exempt him from molestation. R. C. H. Cassels, for the defendant. W. D. McPherson, K.C., for the plaintiffs.

RE PETERBOROUGH SHOVEL AND TOOL CO.—MEREDITH, C.J.C.P., IN CHAMBERS—OCT. 29.

Company—Winding-up.]—The Chief Justice, with some hesitation, came to the conclusion that the material filed in support of a petition for winding-up shewed that the company had exhibited a statement shewing its inability to meet its liabilities or that it had acknowledged its insolvency within the meaning of the Winding-up Act. He made the order for winding-up. L. M. Hayes, for the petitioners. J. F. Boland, for the company.

WHITE v. LORNE—BRITTON, J. IN CHAMBERS—OCT. 29.

Summary Judgment—Partnership.]—An appeal by the defendants from an order of the local Judge at Windsor allowing an amendment to the proceedings by changing the names of the defendants from John Lorne & Son to John Lorne and Fred. S. Lorne, and allowing the plaintiff to enter summary judgment for \$1,197.39 in an action for the price of goods sold, was