

Practice.

Mr. Dalton.] [April 17.]

MORROW v. CHEYNE.

*Pleading—Action for malicious prosecution—Observations of judge at trial of criminal charge—Publication of charge.*

In an action for malicious prosecution, a part of the statement of claim setting out the observations of the judge before whom the plaintiff was tried upon the criminal charge out of which the action arose, was struck out; but a part stating damage to the plaintiff from the publication of such charge in newspapers and otherwise, was allowed to stand.

*C. Millar, for the plaintiff.  
Shepley, for the defendant.*

Boyd, C.] [April 23.]

Re BROOKFIELD AND SCHOOL TRUSTEES OF SECTION 12, TOWNSHIP OF BROOKE.

*Mandamus—Motion for in court or chambers—Costs—O. J. Act, s. 17, ss. 8—R. S. O. (1877), c. 52, s. 17.*

Sec. 17, sub-sec. 8, of the O. J. Act, applies to motions for *mandamus*, etc., where an action is pending; but R. S. O. (1877), c. 52, s. 17, specially authorizes a summary application for a *mandamus* in chambers.

*Kincaid v. Kincaid, ante p. 317, distinguished.*

And where a summary application for a *mandamus* was made to the court, costs as of a chambers application only were allowed to the applicant, where the circumstances did not justify the imposition of a larger amount of costs than was sufficient to indicate that the respondents were in the wrong.

*Snelling, for the applicant.  
F. E. Hodgins, for the respondent.*

Galt, C. J.] [April 5.]

SWAIN v. STODDART.

*Security for costs—Interpleader issue—Local judge, jurisdiction of.*

A local judge, in whose county the proceedings in an action out of which an interpleader arose were carried on, and who himself made the interpleader order, has power to make

an interlocutory order in the issue thereby directed.

*Coulson v. Spiers, 9 P. R. 49, followed.*

A party to an interpleader issue may be ordered to give security for costs.

The dictum of the Master in Chambers in *Canadian Bank of Commerce v. Middleton, 12 P. R. 121, not approved.*

*Williams v. Crosting, 3 C. B. 956, followed.  
Aylesworth, for the plaintiff.*

*C. J. Holman, for the defendant.*

Boyd, C.] [May 8.]

HUFFMAN v. DONER.

*Judgment—Combined interlocutory and final—Rules 72, 75.*

Where a writ of summons is indorsed with the particulars of a liquidated demand, and also with a claim for unliquidated damages, the plaintiff may, without an order, sign a combined final and interlocutory judgment upon default of appearance; rules 72 and 75 may be combined in a proper case, and justify such a judgment.

*Bissett v. Jones, 32 Chy. D. 635, followed in preference to Standard Bank v. Wills, 10 P. R. 159.*

*Middleton, for plaintiff.  
W. M. Douglas for defendant.*

MARITIME COURT OF ONTARIO.

McDougall, J.]

THE "HECTOR."

THOMAS PRINGLE, *petitioner.*  
SCHUMAN & WELLER, *respondents.*

*Jurisdiction of the court—Registration—Vessels—Application of the Statutes.*

The "Hector" was a common pleasure boat on Lake Ontario, of about three tons burthen, twenty-five feet long, seven feet beam, two and a half feet deep, and unregistered. The defendant, Schuman, was master of the vessel. The plaintiff alleges an agreement between Ezra H. Pringle and the defendants, that the former should have a half interest in the boat and its earnings, and that this half interest was assigned by Ezra H. Pringle to the plaintiff, who now sets up his claim to a half interest in the boat and its earnings, and asks that an account be