

BULMER v. BULMER—RIDDELL, J., IN CHAMBERS—OCT. 7.

Lis Pendens—Motion to Vacate Registry—Action for Alimony—Claim to Follow into Land of Husband Money Advanced by Wife.]—Motion by the defendant to vacate the registry of a certificate of lis pendens against the lands of the defendant. According to the writ of summons, the action was for alimony only. RIDDELL, J., in a written judgment, said that there could be no doubt that a lis pendens should not be issued and registered in an action for alimony: *White v. White* (1874), 6 P.R. 208; *Crandell v. Crandell* (1884), 20 C.L.J. 329; but here the plaintiff said that another claim was also set up in the statement of claim, viz., that the plaintiff lent or advanced money to her husband, and he put that money into the property in question. This gave the plaintiff no lien upon the land, and did not entitle her to register the certificate of lis pendens. The motion should be granted, with costs to the defendant in any event. Harcourt Ferguson, for the defendant. J. E. Lawson, for the plaintiff.

DISCEPOLO v. CITY OF FORT WILLIAM—FALCONBRIDGE, C.J.K.B.
—OCT. 10.

Negligence—Collision between Electric Street Car and Motor Vehicle—Driver under Age of 18—Evidence—Contributory Negligence—Ultimate Negligence—Certified Copy of Pleadings—Colour of Paper.]—Actions by father and son against the city corporation for damages by collision of the plaintiffs' automobile with the defendants' street car. The plaintiff "Mike" was driving his father's motor vehicle, with the permission of his father; "Mike" was under the age of 18 years. This was contrary to the provisions of the Motor Vehicles Act, R.S.O. 1194 ch. 207, sec. 13. It was contended that the boy was, ipso facto, an unlawful, incompetent, and negligent driver. The action was tried without a jury at Port Arthur. The learned Chief Justice, in a written judgment, said that the evidence of independent witnesses was overwhelmingly in favour of the defendants on all the issues. Their statements were clear-cut, apart from the testimony of the motorman. No case of "ultimate negligence" was established against him. Actions dismissed with costs.—The learned Chief