

mons issued in 1886, and such orders were not appealed against,

Held, that the writ must be treated as having been properly renewed by such orders.

But where a new defendant was added in 1889, to an action begun in 1886,

Held, that the statement of claim should shew on its face the date at which such defendant was made a party, and an amendment was ordered.

Hoyles, for defendant Hyland.

W. H. P. Clement, for plaintiff.

C. P. Div'l Ct.] [Dec. 26, '89.

CANADA COTTON CO. *v.* PARMALÉE.

Attachment of debts—Rule 935—Unadjusted insurance moneys—Locus standi of garnishees—Appeal—Garnishees out of Ontario.

Held, reversing the decision of Falconbridge, J., 13 P.R. 26, that moneys due or owing from an insurance company to a policy holder, are garnishable under the enlarged provisions of rule 935.

Webb v. Stenton, 11 Q.B.D. 518, and *Stuart v. Grough*, 15 A.R. 299, considered.

Held, also, affirming Falconbridge, J., that the garnishees had the right to appeal against an order directing the trial of an issue between the judgment creditors and a claimant of the moneys attached.

Held, lastly, that the garnishees, being a foreign corporation, were not "within Ontario," and therefore not subject to provisions of rule 935.

D. W. Saunders, for plaintiffs.

Aylesworth, for the garnishees.

Q. B. Div'l Ct.] [Dec. 21, '89.

PORT ROWAN & LAKE SHORE R. W. CO. *v.*
SOUTH NORFOLK R. W. CO.

Costs—Security for—Action for the benefit of another—Non-existent corporation—Issue on pleadings.

An application for an order for security for costs was made on the ground that the plaintiffs

had no corporate existence, and that their name was being used by one C., who was insolvent.

Held, upon the evidence that there was nothing to warrant the conclusion that this action was really brought for the benefit of any other than the plaintiffs.

Held, also, that the question whether the plaintiffs had or had not ceased to be an existing corporation, having been raised upon the pleadings, could not be raised and determined on an application for security for costs.

An order made in Chambers for security for costs was set aside.

Masten, for plaintiffs.

W. M. Douglas, for defendants.

Miscellaneous.

INDUSTRIAL SCHOOLS ACT, R.S.O.

FORM OF ORDER OF DETENTION UNDER.

The following form under the above Act was lately settled by Dartnell, J.J., County of Ontario.

In the matter of A. B., a child under the age of fourteen years, and in the matter of the Industrial Schools Act.

Upon the application of C. D. of ———, and upon reading the evidence taken under oath by me, of the said C. A. and of E. L., filed in the office of the Clerk of the Peace for the County of ———; the said child having also been produced before me, and the evidence aforesaid having been taken in his presence:

And it appearing to me that the said child is a resident of the County of ———, and comes within the descriptions now numbered (1, 3, 4, etc., as the case may be) in section seven of the said Act:

I find that it is expedient and proper to deal with the said child under the said Act. And I do order his detention for the period of ——— years in the "Victoria Industrial School" in the village of Mimico.

Given under my hand and seal this day of —
G. H. D., Judge.