dants. Leave to plaintiff to amend, on the usual terms, within a fortnight, by alleging an eviction.

Vanburen v. *Bullock*.—A school case. Judgment deferred till next term, till court has an opportunity of seeing recent School Act.

Kendra v. *Moffatt*.—Action on a covenant in a mortgage for purchase money of land sold. Equitable plea, claiming an abatement of a proportion of purchase money, in respect of a piece of the land sold, to which plaintiff had no title, and payment into court of balance. Held, plea bad.

Small v. *Moylan*.—Information for libel. Special plea of justification. Demurrer. Held, plea bad.

Lamb v. *Teeter*.—Trespass to land and to goods. Stands till next term, with leave to either party in meantime to apply to amend. Both declaration and pleas require to be amended.

McArthur v. *Cool*.—Action on a covenant given by a Division Court bailiff. Held, declaration insufficient. McLean, J., *dissentiente*. Plea good.

Scott v. *Corporation of Peterboro'*.—Held: 2nd plea sufficient bar to the action; 3rd plea also good. Judgment for defendant.

Vankleek v. *Stuart*.—Replevin for saw logs seized by Indian lands agent, from a person to whom Indians sold the same. The timber was sold after it was cut. Rule *nisi* discharged.

Holmstock v. *Palmer*.—Judgment for defendant on record.

The Queen v. *Bullock*.—Indictment for embezzlement. Verdict, guilty. Rule *nisi* for a new trial, on the ground of insufficiency of evidence. Rule absolute.

Bank of Upper Canada v. *Turrant*.—Appeal from decision of judge of the County Court of Hastings. Appeal dismissed, with costs.

In re Quinlan and Morrison.—Rule for certiorari to remove an order to arrest, issued by the judge of the County Court of the County of Welland. Rule granted.

Henderson v. *Dickson*.—Motion to rescind a judge's order. Order not before the court, and therefore application stands over till next term.

COMMON PLEAS.

Present: DRAPER, C. J.; RICHARDS, J.; HAGARTY, J.

June 16, 1860.

Hodgkiss v. *Hedley*.—Rule discharged.

Robson v. *Buffalo and Lake Huron Railroad Company*.—Judgment for plaintiff, on whole record, for $152 85.

Pierce v. *Small*.—Rule discharged. Hagarty, J., *dissentiente*.

Grasset v. *Hutchinson*.—Per Draper, C. J.: Plaintiff entitled to recover. Richards, J., dissents. Hagarty, J.: No judgment. Rule drops.

Park v. *Davis*.—Action against County Court judge, for permitting a Division Court clerk to act in the discharge of the duties of his office without first requiring him to give the requisite security. Action lies. First count good. Judgment for plaintiff, on demurrer to first count; for defendant on other counts.

Dance v. *Burrowes*.—Judgment for defendant, on demurrer.

Coates v. *Bullock*.—Judgment for defendant.

Regina v. *Hill*.—Application for a writ of mandamus to township clerk, to admit relator to the office of township councillor, where office filled by an election *de facto* if not *de jure*. Rule discharged, without costs. Held, that relator should have proceeded to contest the office by writ of *quo warranto*.

Wilkinson v. *Conklin*.—Ejectment. Rule discharged.

White v. *Nelson*.—Rule discharged.

Gough v. *McBride*.—Ejectment. Held, that a memorial executed by a grantee, when not accompanied by possession of the land affected, is not secondary evidence of the deed as against the grantor. Rule discharged.

Shanks v. *Coates*.—Dower. Rule *nisi* to increase the damages. Rule absolute, no cause being shown.

Ball v. *Goodman*.—(Two cases.) Seduction. Suggestion by administrator, entered by order of Mr. Justice McLean. Demurrer to suggestion, and rule *nisi* to set aside order of Mr. Justice McLean. Judgment for defendant on demurrer, and order set aside. Held, that action did not survive.

The Queen v. *The Corporation of Port Hope*.—Application for a mandamus. Rule absolute.

Craig v. *Rankin*.—Defendant entitled to judgment on the demurrer. Held, that a tax imposed by school trustees on the parents or guardians of persons sending children to school, not legal.

Haggart v. *Wintermote*.—Ejectment. Rule *nisi* for new trial discharged.

Merrick v. *L'Esperance*.—Action on a guarantee. Rule *nisi* to enter a nonsuit discharged.

Read v. *Ranks*.—Dower. Rule *nisi* discharged.

Hill v. *Small*.—Rule discharged.

McCallum v. *Snyder*.—Rule discharged.

Smith v. *Birnie*.—Judgment for plaintiff on first plea, for defendant on second. Rule absolute as to so much as asks amount of note to be deducted from verdict, and discharged as to residue.

Owens v *Davidson*.—Action as to a disputed boundary. Postea to defendant.

Winter v. *Stewart*.—Rule discharged.

Johnston v. *Smith*.—Action against sheriff for neglect to levy and false return. Verdict for plaintiff. Rule *nisi* for new trial discharged.

Russel v. *Carscallan*.—Ejectment. Rule absolute.

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Hodge v. *The State Insurance Company*.—Rule *nisi* for a new trial refused.

Ferris v. *Chesterfield*.—Appeal dismissed, with costs.

Annis v. *Dormon*.—(Two cases.) Judgment for plaintiff, on demurrer; and rule *nisi* for new trial absolute. Costs to abide the event.

Howes v. *Mills*.—(Two cases.) Judgment for plaintiff on demurrer, and rule *nisi* discharged.

Cuthbert v. *Street*.—Rule *nisi* to enter verdict for plaintiff made absolute.

Buell v. *Ford*.—Plaintiff entitled to judgment on the demurrer, with leave to defendant to amend his special pleading. Only one special plea to the whole declaration. Richards, J.: No judgment.

Shaw v. *Gault*.—Appeal from the decision of the County Court of the United Counties of Stormont, Dundas and Glengarry. Held, that there are five days, and five only, allowed to file a bill of sale; and that if not filed within that time, it is void. Held also, that if an execution be placed in the sheriff's hands, between the date of the bill of sale and its filing, though within five days, it is entitled to prevail. Judgment of court below reversed.

Township of Beverley v. *Barlow*.—(Two cases.) Postea to plaintiff.

Randal v. *Fullarton*.—Rule discharged.

Neale v. *Winter*.—Rule to reduce amount endorsed on writ of *fi. fa.* made absolute, without costs.

Brown v. *Wythers*.—Rule discharged, with costs.

Campbell v. *Grier*.—Rule *nisi* for new trial. Costs to abide the event.

PRACTICE COURT.

Present: RICHARDS, J.

June 16, 1860.

VanEvery v. *Drake*.—If defendant pay costs taxed on former rule, and costs of this application, within one month from this date, *then* rule discharged; otherwise, absolute.

In re Thomas v. *Brooks*.—Held, that the power of issuing execution on a rule is confined to cases where money is made payable