

Q. B.]

NOTES OF CASES.

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There is a careful annotation of almost every provision of the Act referred to, also of the Replevin Act, the Fence Viewers and Watercourses Act, and the Acts respecting Education and Public Schools, in so far as they relate to the jurisdiction of Division Courts. An annotated list is given of the rules of the Courts as recast and supplemented by the Board of County Court Judges. The chapter on *prohibition*, *certiorari*, and *mandamus*, in which the English and Canadian decisions are embodied, will prove most useful to the legal profession. A new and complete schedule of forms has been added, which contributes much to the value of the work. The index, usually a weak feature in Canadian law books, is excellent in all particulars. The volume, in fact, supplies a place that has long been felt, and it will prove of great assistance to Division Court clerks and practitioners. The work throughout reflects great credit upon the author, whose learning and wide experience have specially fitted him for the task he has undertaken. The volume is very neatly printed, and the publishers have spared no pains to render its appearance as attractive as possible. — *Toronto Globe*.

(The above have been selected from various notices of the second edition of Mr. Henry O'Brien's *Division Courts Manual*, which was published about the beginning of last month).

NOTES OF CASES.

IN THE ONTARIO COURTS, PUBLISHED
IN ADVANCE, BY ORDER OF THE
LAW SOCIETY.

QUEEN'S BENCH.

IN BANCO.

[June 28.]

MUTTLEBURY V. KING

Mortgage—Plan—Registration.

M. was owner of the east half of a certain lot of land. In 1872, he employed one S. to draw a plan of a portion of this half-lot, comprising the Village of Moorfield, upon which plan some lots were numbered and others lettered. The land in question

was marked on the plan as "The Parsonage Lot," but was neither numbered nor lettered. The plan so marked was never registered. In 1874, M. applied to B., one of the defendants, for a loan of \$12,000 on the said half-lot, "reserving thereout lots numbered from 1 to 181, both inclusive, as shewn on a plan made by S. and dated 1872," and during negotiations for the loan M. left a lithographed copy of the plan in B.'s possession, but took no steps to register it. Subsequently, M. altered his plan by running a street through lots 106 to 115. and transferred the number 106 to the Parsonage Lot. The date of the plan remained as 1872, and M. then registered it in its altered state. In 1876, M. applied to the plaintiff for a loan of \$600 upon "Lot 106, or the Parsonage Lot." An abstract was obtained by the plaintiff from the Registrar of the North Riding of Wellington, from which abstract the prior mortgage from M. to B. was omitted; the registrar considering that inasmuch as lots 1 to 108 inclusive were excepted from B.'s mortgage, the property in question was not affected by it. A mortgage was then made by M. to the plaintiff. In ejectment by the plaintiff against B.:

Held, That the plaintiff's title must fail
(1) That no obligation was cast upon B. under the Registry Laws, or otherwise, to register the plan, which was only referred to in describing the reservations from his mortgage.

(2) That B.'s title was complete by registration of his mortgage on the Township Lot.

(3) And that if, from any cause, the exception or reservation from the property mentioned in B.'s mortgage proved abortive or ineffectual, B. was entitled to the excepted portion also.

C. Robinson, Q.C. and A. C. Galt, for plaintiff.

J. K. Kerr, Q.C., *contra*.

OHELMACHER V. BROWN.

Foreign judgment—Foreign discharge in bankruptcy—Evidence.

Plaintiff sued on a foreign judgment rendered against defendant. Defendant pleaded