

Q. B. Div.]

NOTES OF CANADIAN CASES.

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County of Lambton, nevertheless the defendant, upon being sued in a wrong Division Court, had the right to apply for prohibition, and the learned Judge in Chambers, having in his discretion given the defendant the costs of the motion for prohibition, that discretion could not be interfered with.

QUEEN V. SHEVELEAR.

Conviction for selling intoxicating liquors on voting day for Scott Act—The word "County," as used in the Act, means County for judicial and not for electoral purposes.

The defendant was convicted of having sold intoxicating liquors on the 16th day of December, 1884, at the Township of Oakland, in the County of Brant, being the day on which the vote for the passage of the Canada Temperance Act for the County of Brant was taken.

The townships of Oakland and Burford, in the said County of Brant, had been, for the purposes of Dominion elections, separated from the County of Brant and annexed to the adjoining county.

Certain portions of the County of Brant consist of Indian lands, and the sale of liquor in these lands is regulated by the Indian Act of 1880, and amendments thereto.

Held, that the word "county," as used in the Act, means county for judicial and not for electoral purposes.

Held, also that under the eighth objection to the conviction that it did not appear that the votes of the electors on the Indian lands in the county were taken upon the petition for the Act, or that proper means were taken to enable them to exercise their franchise, or that they were permitted to exercise it, the proceedings by certiorari did not properly bring the matter before the court.

NEWCOMBE V. ANDERSON ET AL.

*Replevin—Boarding-House Keeper—Lien—**R. S. O. ch. 147.*

One J. and his wife took rooms in premises, called the "Shandon House," kept by defendants, partly furnishing them, and agreeing to pay \$50 a month therefor and for their board. They subsequently rented from plaintiff a piano.

Held, that the relation between defendants and J., was not that of an inn-keeper and guest, but of boarding-house keeper and boarder.

Held, also, that the piano was not part of the baggage of J. or his wife, and that under R. S. O. ch. 147, defendants had no lien upon it for their board.

Quære, whether the house kept by defendants was an "inn" within the meaning of R. S. O. ch. 147, s. 1.

MacLaren, Q.C., for plaintiff.

Ritchie, Q.C., contra.

TUCKER V. McMAHON.*Corroborative evidence—R. S. O. ch. 32, sec. 10.*

The plaintiff, after the death of her husband and about twenty-five years before action brought, went to live with testator, her son-in-law, a blacksmith by trade, residing with him as a member of his family up to the time of his wife's death, which took place about twelve years before action. She alleged that after her daughter's death, testator agreed that he would pay her wages if she would continue to live with him and take care of his family. She accordingly continued so to reside with him up to the time of his death in 1885, to which time she had received no wages whatever from him. In an action for wages against testator's executors, the plaintiff relied upon the evidence of a witness, that testator about two years before his death told witness "she (the plaintiff) shall be handsomely paid for what she does for me," and the evidence of G., another son-in-law, that two or three years before his death, testator said to the witness, speaking of plaintiff, that he would