the clerk, even when the order was bad, and to hold otherwise would be to throw upon the clerk the duty of reviewing the decision of the Judge, his superior officer. See also *Andrews* v. *Harris*, 1 Q. B. 3; *Houlden* v. *Smith* 14 Q. B. 841.

My judgment is for the plaintiff on demurrer.

The defendant will have leave to plead to this count of the declaration.

Judgment for plaintiff on demurrer.

NOTES OF CASES.

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

CHANCERY.

STANDLY v. PERRY.

[July 8.]

Harbour Commissioners—Nuisance.

In this case, PROUDFOOT, V.C., held that the Cobourg Harbour Company, or the town of Cobourg, who succeeded to the rights of the Harbour Company, were not authorized by the Charter in stopping up any of the streets or highways; neither were they at liberty to erect a fence or place a building on the accretions made to a highway, in such a manner as to prevent the plaintiff, whose land fronted on such highway, from having free access thereto.

Armour, Q.C., for plaintiff.

S. Smith, Q.C., and *Boyd*, Q.C., for defendants.

SWITZER v. MCMILLAN.

[September 15.]

Lease by Guardian of Infant.

The Court, on appeal from the Master at Guelph, held that the guardian of infants cannot create a valid lease of the estate of the infants, without first obtaining the sanction of the Court thereto.

W. Cassels for appeal.

Small contra.

DOMINION SAVING AND INVESTMENT SOCIETY v. KITTRIDGE.

[September 22.]

Paying off mortgages—Burden of costs.

The plaintiffs held two mortgages on two distinct parcels of land, created by one Loughead. The defendant being about to purchase one of these parcels, wrote to the secretary of the Society, "Please let me know the amount of your mortgage from J. G. Loughead, on lot 29, . . . how it is made up, etc., as I would like to take it up." In answer to this, the secretary of the Society wrote that $741 would pay off J. L.'s loan on the lot named. Subsequently the defendant, in answer to a letter written by the Society to J. L., transmitted $193 as being the amount claimed to be their due, and payable to the Society on this lot, and saying, that he sent it as payment on the lot, but claiming that he should not pay all the costs. The secretary of the company wrote an answer saying, that J. L. had desired that all costs should be charged against this lot. It was held, under these circumstances, that the Society could not afterwards insist upon the defendant, who had purchased the equity of redemption in this lot, paying what was due upon both lots before he could claim a discharge of the mortgage on the lot purchased.

Boyd, Q.C., for plaintiff.

Magee for defendant.

SMILES v. BELFORD.

[September 25.]

Copyright—Injunction.

The Court on motion for decree determined that it was not necessary for the author of a work published and duly copyrighted in England, to republish or reprint and register his book in this country to enable him to restrain a person in this country from printing such work.

Miller and *Biggar* for plaintiff.

Beaty, Q.C., and *Hamilton* for defendant.

LITTLE v. WALLACEBURGH.

[September 25.]

Municipal officers—Injunction.

In this suit PROUDFOOT, V.C., refused to restrain the defendants, the Town Council of Wallaceburgh, from changing the site of a proposed market and town hall; the Vice Chancellor observing: "I think if the Corporation buys property for the site of a town hall, and no change of circumstances is made on the faith of it, the same body may, before building at all events, change the site."

Bethune, Q.C., and *Moss* for plaintiffs.

Boyd, Q.C., for defendants.