

DIARY FOR AUGUST.

1. Mon.....Slavery abolished in British Empire, 1834.
3. Wed.....Battle of Fort William Henry, 1757.
6. Sat.....Thos. Scott, 4th C.J. of Q.B., 1894.
7. Sun.....5th Sunday after Trinity. Duquesne Gov. of Canada, 1783.
11. Thur.....Battle of Lake Champlain, 1814.
12. Fri.....First American railroad completed, 1830.
13. Sat.....Sir Peregrine Maitland, Lieut. Gov., 1813.
14. Sun.....6th Sunday after Trinity. Battle of Fort Erie, 1814.
15. Mon.....Last day for filing notices for call.
16. Tues.....Battle of Detroit, 1812.
17. Wed.....General Hunter, Lieut. Governor, 1799.
19. Fri.....River St. Lawrence discovered, 1636.
21. Sun.....10th Sunday after Trinity.
24. Wed.....St. Bartholomew.
25. Thur.....Francis Gore, Lieut. Governor, 1806.
26. Fri.....Prince Albert, late Prince Consort, born, 1819.
28. Sun.....11th Sunday after Trinity.
31. Wed.....Long vacation ends.

Early Notes of Canadian Cases.

SUPREME COURT OF JUDICATURE
FOR ONTARIO.

COURT OF APPEAL.

WEIR v. SMYTH.

[June 21.

Justice of the peace—Qualification—R.S.O., c. 71, s. 9.

The property qualification of a justice of the peace required by R.S.O., c. 71, s. 9, need not be in itself of the value of \$1,200. It is sufficient if he has, in lands which are of the value of \$1,200 over and above what will satisfy and discharge all incumbrances affecting the same, and over and above all rents and charges payable out of or affecting the same, such an estate or interest as is mentioned in the section, whatever the value of the estate or interest may be.

Judgment of the County Court of Middlesex affirmed.

Aylesworth, Q.C., for the appellant.

J. B. McKillop for the respondent.

RYAN v. MCCARTNEY.

Division Court—County Court—Transcript—Judgment summons.

A transcript may be validly issued from a Division Court to the County Court, notwithstanding the pendency in the Division Court of proceedings by way of judgment summons; but as soon as the transcript is issued and filed, the judgment becomes a judgment of the County

Court, and the judgment summons proceedings cannot be continued.

The form of a transcript considered.

Judgment of the County Court of York reversed.

T. Hislop for the appellant.

J. M. Glenn for the respondent.

GORDON v. RUMBLE.

False arrest—Malicious prosecution—Sheriff—Bailiff.

The plaintiff, acting as bailiff under a landlord's distress warrant, attempted to remove some grain which was at the time under seizure by the defendant as sheriff's officer, and was arrested by the defendant.

Held, reversing the judgment of the Queen's Bench Division, that the sheriff was liable for the act of his officer.

Beatty v. Rumble, 21 O.R. 184, considered.

John McGregor for the appellant.

C. C. Robinson and G. F. Cane for the respondents.

IN RE ALGER AND THE SARNIA OIL
COMPANY.

Company—Winding up—Sale by tender—Extending time.

This was an appeal by J. L. Englehart from the judgment of BOYD, C., reported 21 O.R. 440, and was argued before HAGARTY, C.J.O., BURTON, OSLER, and MACLENNAN, JJ.A. on the 3rd of June, 1892.

W. R. Meredith, Q.C., and F. A. Hilton for the appellant.

E. R. Cameron for the respondent Alger.

D. MacMillan, Q.C., for the liquidator.

June 21st, 1892. The appeal was dismissed with costs, the court agreeing with the reasons for judgment in the court below.

ROACH v. MCLACHLAN.

Execution—Wages—Chattel mortgage—Creditors' Relief Act (R.S.O., c. 65)—Wages Act (R.S.O., c. 127.)

Certain goods, upon which the execution debtor had given a chattel mortgage, were sold under an execution, the proceeds not being more than the amount of that execution, over which the chattel mortgage did not claim prior-