

*Held*, also, that this was a case in which the court should, in the exercise of its discretion, quash the plea upon a summary motion, without requiring a demurrer, a course permitted by s. 143 of R.S.C., c. 174, as interpreted by s. 2, s-s. (c).

*S. H. Blake, Q.C., Osler, Q.C., and Marsh, Q.C.*, for the prosecutors.

*Ritchie, Q.C., Laidlaw, Q.C., and Cassels* for defendant.

FALCONBRIDGE, J.]

[April 26.

BRENNEN *v.* BRENNEN.

*Husband and wife—Action by wife against husband's relatives—False representations and conspiracy to bring about marriage—Want of precedent—Public policy.*

Action by a married woman against the father, mother, and brother of her husband, and for false representations made to her before marriage, as to the character and financial standing of her husband, and for entering into a fraudulent conspiracy to induce the plaintiff to enter into the marriage contract.

*Held*, that the action was not maintainable because without precedent and contrary to public policy.

*J. K. Kerr, Q.C., and Neville* for plaintiff.

*McCarthy, Q.C., and Bicknell* for defendant, M. Brennen.

*S. H. Blake, Q.C.*, for defendant, S. Brennen.

*J. A. McCarthy* for defendant, H. Brennen.

STREET J.]

[May 21.

COUNTY OF MIDDLESEX *v.* SMALLMAN.

*Registrar of deeds—Bond for performance of duties of office—Payment to municipality of portion of fees—Liability of sureties—R.S.O., c. 114, ss. 13, 107.*

The action was upon a bond executed by the defendants as sureties for a Registrar of Deeds, dated 8th January, 1886, to recover the portion of fees received by the Registrar which he should have paid over to the plaintiffs under R.S.O., c. 114, s. 107.

The bond was in the form prescribed by Schedule A. of the Act, and was conditioned for the performance of the duties of the Registrar's office and against neglect or wilful misconduct in office to the damage of any person or persons.

This form was prescribed before the introduction of the provisions now contained in s. 107, and s. 13 makes special provision for the giving of special security for the payment of moneys under s. 107.

*Held*, that the bond given by the defendants must be taken to be restricted to the performance by the Registrar of the duties imposed upon him other than the duty imposed by s. 107, and the action was dismissed.

*Purdum* for plaintiff.

*Osler, Q.C., and Flock, Q.C.*, for defendants.

## Chancery Division.

ROBERTSON, J.]

[May 13.

RE SAUGEEN MUTUAL FIRE INSURANCE CO.  
KNECHTEL'S CASE.

*Mutual Insurance Co.—53 Vict., c. 44, s. 4 (O.)—Retrospective operation.*

Appeal from the Master at Guelph.

*Held*, that 53 Vict., c. 44, s. 4 (O.), substituting a new section for R.S.O. (1887), c. 167, s. 132, is retrospective in its operation, and applies to premium notes given before its passing as well as to those given afterwards.

*Kingston, Q.C.*, for the appellant.

*Hoyles, Q.C.*, contra.

## Practice.

C.P. Div'l Ct.]

[June 7.

COUNTY OF ESSEX *v.* WRIGHT.

*Consolidation of actions—Staying actions—Principal and sureties—Reference—Costs.*

Twelve actions brought by a municipality against the different sureties of the municipal treasurer, to recover accounts alleged to have been received by the treasurer and not accounted for, were consolidated and proceedings in them were stayed pending the determination of an action against the treasurer himself to recover the same amounts.

In the action against the treasurer a reference was directed to ascertain what was due from him, and an order was made permitting the sureties to appear upon the reference and contest the claims of the municipality. This order