On motion to compel her to attend and be examined at her own expense,

BOYD, C., *held*, that the questions were proper ones to be put and granted the application.

H. Cassels, for the motion, cited *Graham* v. *Cafe*, 9 Symons 93, confirmed on appeal 3 Milne & Craig 98; *Whitney* v. *Rush*, 2 Younge & Collyer, Exchequer R. 546.

W. H. Macdonald, contra, cited *Kerr* v. *Reed*, 22 Gr. 538; *Chaffers* v. *Day*, 3 Weekly Reporter 263; Kerr on Discovery p. 207.

COMMON LAW CHAMBERS.

Osler, J.] [August 10.

REGINA v. BERRY.

Coroner—Jurisdiction—Discharge of prisoner—Inquisition.

A coroner for the County of Carleton was held to have jurisdiction to hold an inquest in the city of Ottawa, situate in that county. An inquisition was, however, held to be defective in not identifying the body of the deceased as being the person with whose death the prisoner was charged, and the prisoner was discharged from custody under the coroner's warrant, but recommitted, as the evidence shewed that a felony had been committed.

Mr. Dalton, Q. C.] [Sept. 8.

ROMANN v. BRODRECHT.

(By original action.)

BRODRECHT v. FICK.

(By counter claim.)

Counter claim—Set-off—Third party—Defendant—Rules 164-165.

Where a defendant by a counter claim puts in a set-off against plaintiff's action, he cannot by his counter claim bring in a third party as a defendant and raise an issue as between himself and such third party, in which the plaintiff is not concerned; such issue must be determined by a separate action.

W. H. Clement, for plaintiff.

J. H. Macdonald, for defendant.

Mr. Dalton, Q.C.] [Sept. 13.

ELLIOT v. CAPELL.

Attachment—Garnishee—Costs.

A defendant who has obtained a judgment for costs may garnishee moneys due to the plaintiff.

The question of the validity of a judgment should not be argued on the return of a garnishee summons, but should be raised on an application to set aside the execution.

Aylesworth, for plaintiff.

J. H. Macdonald, contra.

Mr. Dalton, Q. C.] [Sept. 13.

MCDONOUGH v. ALISON.

Service by mailing—Notice of trial.

Plaintiff's and defendant's attorneys had an arrangement between themselves by which the papers in the suit should be sent by mail. The notice of trial was posted the day before the last for giving notice, but reached defendant's attorney one day too late.

Held, that the notice of trial cannot be set aside.

W. H. Clement, for plaintiff.

W. Fitzgerald, contra.

REPORTS.

RECENT ENGLISH PRACTICE CASES.

(Collected and prepared from the various Reports by A. H. F. LEFROY, ESQ.)

BAINES v. BROMLEY.

Imp. O. 55, r. 1—Ont. O. 50, r. 1, No. 428. Practice—Costs—Claim and counter-claim.

In an action for a liquidated money claim, after trial with jury, judgment was entered for the plaintiff on his claim, but for the defendants for a balance on a counter-claim for goods sold, the amount of which exceeded that of the claim. The judgment directed that the "plaintiff should recover against

* It is the purpose of the compiler of the above collection to give to the readers of this Journal a *complete* series of all the English practice cases which illustrate our present practice, reported subsequently to the annotated editions of the Ontario Judicature Act, that is to say since June, 1881. "L. J. R." stands for the English Law Journal Reports.