

Prac.]

NOTES OF CANADIAN CASES.

[Prac.]

Boyd, C.]

[June 8.]

THE BANK OF B. N. A. v. THE WESTERN
ASSURANCE COMPANY.

*Powers of local taxing-officers—Administration of
Justice Act, 1885.*

The Administration of Justice Act, 1885, (48 Vict. ch. 13, s. 22, O.) has not conferred upon local registrars of the High Court the power of taxing counsel fees to any greater amount than they are allowed to tax under the tariff of the 10th September, 1881.

In this case an appeal from the taxation of the local registrar at Brantford was allowed, and the items in dispute were referred to one of the taxing officers at Toronto.

G. Tate Blackstock, for the appeal.

Holman, contra.

Boyd, C.]

[June 8.]

RE HARNDEN, HANDEN v. HARNDEN.

*Bringing in accounts—Motion to commit—
G. O. Chy. 201 and 296.*

G. O. Chy. 201 and 296 are still in force in the Chancery Division.

Upon a motion to commit the defendant (an administrator) for neglecting to bring in his accounts by a day named pursuant to the direction of the Master,

Held, that personal service upon the defendant of the Master's direction and of the notice of motion to commit was not necessary.

Watson, for the motion.

Shepley, contra.

Boyd, C.]

[June 10.]

COLE v. CANADA FIRE INSURANCE CO.

*Setting cause down for June—Certificate of counsel
—G. O. Chy. 420.*

The certificate of counsel necessary under G. O. Chy. 420, in order to set down a cause for argument in the Chancery Division during the month of June, may be given by counsel for a party other than the party setting the cause down.

Holman, for the plaintiff.

Bain, Q.C., for the defendants.

Boyd, C.]

[June 11.]

SNIDER v. SNIDER.

Delivery of statement of defence.

A statement of defence in an alimony action was delivered after the proper time and on the same day on which the plaintiff set the action down to be heard on motion for judgment.

Held, that the defence was irregular, and it was ordered that it be struck out and judgment granted as prayed by the statement of claim, unless the defendant paid the costs of setting down the action and of the motion for judgment within a limited time.

E. Douglas Armour, for the plaintiff.

Holman, for the defendant.

Boyd, C.]

[June 11.]

DARLING v. THE MIDLAND RAILWAY CO.

*Ontario and Dominion Railway Acts—Procedure
—Appeal from award.*

Certain land was expropriated by defendants in 1876, and proceedings to obtain compensation therefor were begun in August, 1884. On the 25th May, 1883, the defendants' railway became by statute a Canadian road, and subject to the legislative authority of Canada, having previous to that date been an Ontario road.

Held, that the procedure provided by the Dominion Consolidated Railway Act, 1879, applied, and that an appeal from an award could therefore not be prosecuted under the Ontario Railway Act.

Lash, Q.C., for the defendants.

G. Tate Blackstock, for the plaintiff.