Mr. Dalton.] [Dec. 29, 1881.

WALLACE v. COWAN.

Notice of trial—Replevin.

In an action of replevin ten days notice of trial must be given instead of eight days, as under the old practice; the ground of this decision being that under the wording of Rule 4 the new practice is introduced as to notice of trial in replevin.

Akers, for defendant.

Meek, for plaintiff.

Mr. Dalton.] [January.

LOWSON v. CANADA FARMERS' MUTUAL INSURANCE CO.

Insurance—Judgment—Certificate of Court of Appeal—Fi. Fa.

At the trial defendants succeeded, but afterwards the decision was reversed by the Court of Appeal, and a decree for plaintiff pronounced. Plaintiff issued execution upon the certificate of the Court of Appeal immediately after issuing the certificate.

Held, that execution could not issue upon such certificate, and that under R. S. O., ch. 161, sec. 61, execution should not issue until three months after judgment.

H. Cassels, for motion.

Cattanach, contra.

Cameron, J.] [January 5.

IN RE ENGLISH v. MULHOLLAND.

Prohibition—Division Courts—Title to land.

In an action in a Division Court to recover $79.50, the rent and taxes of certain land, certain facts as to the terms and conditions of the tenancy were disputed, but the defendant did not dispute the plaintiff's title. On plaintiff obtaining judgment for the amount claimed, defendant applied for a prohibition on the ground that the title to land was called in question.

Held, that the amount was properly recoverable in a Division Court.

English, for plaintiff.

Bigelow, contra.

REPORTS.

RECENT ENGLISH PRACTICE CASES.

(Collected and prepared by A. H. F. LEFROY, ESQ.)

THE QUEEN v. HOLL.

Imp. Jud. Act 1873, *s.* 47—*Ont. Jud. Act. s.* 87, *O. No.* 484.

The decision of a Divisional Court discharging a rule for a mandamus to be directed to commissioners appointed to inquire into corrupt practices at a parliamentary election, ordering them to grant a certificate to a witness under s. 7 of Corrupt Practices Prevention Act, Imp. 26-27 Vict. c. 29, which certificate, if given, would be a protection to the witness against criminal proceedings for bribery, does not relate to a criminal cause or matter within Imp. Jud. Act, 1873, s. 47.

[June 30, C. of A.—L. R. 7 Q. B. D., 575.

The above head-note shews the decision on a preliminary objection taken to the hearing of the appeal in the above case.

Counsel for the respondents argued that a rule *nisi* was granted to compel the commissioners to give to the witness a certificate, which should indemnify him against criminal proceedings for bribery committed at a parliamentary election; and that it was therefore "a criminal cause or matter," within Imp. Jud. Act 1873, s. 47. They cited *Reg* v. *Steel*, L. R. 2 Q. B. D. 37.

BRAMWELL, L. J.—We all are of opinion that the present appeal does not relate to a "criminal cause or matter," and that we must hear it.

[NOTE.—*We have no section in our Judicature Act corresponding to s.* 47 *of the Imp. Act, but the case is noted for the same reason as the Queen* v. *Whitchurch, supra.*]

HARRISON v. CORNWALL MINERAL RY. CO.

Imp. O. 58, *r.* 6—*Ont. J. Act, s.* 39, *G. O. C. of App., No.* 16.

A respondent who has given cross notice of appeal under Imp. O. 58, r. 6, is in the same position as to costs as if he had presented a cross appeal.

Where there were two respondents to an appeal, one of whom gave cross notice of appeal affecting his co-respondent, the Court made an apportionment of the costs of the appeal.

[June 22, C. of A.—L. R. 18 Ch. D., 334.

This was an appeal from a decision of Hall, V. C., which was now substantially affirmed; but the contention raised by one of the respondents, on cross notice of appeal, was allowed. To understand the order as to costs, it is necessary to observe that *Medd* appeared for