

THE LAW OF CLUES—NOTES OF RECENT DECISIONS.

[C. L. Cham.]

Waller v. Thomas, 42 How., 337, was an action for rent against the members of the "City Club," a body consisting of over seven members, and therefore coming within the company laws of the State, in which the principal question was, whether under the New York statutes of 1849, 1851, and 1853, the members could be prosecuted in their individual capacity before exhausting the remedy against them in their collective capacity. The court held that mode of action was optional, in the first instance. This case is not inconsistent with the general English law on the subject of club liability.

The relations of committees to the remaining members of the club have not been judicially established, but where committee-men incur positive liability, their remedy over against the other members would depend upon the nature of the agency.

With regard to the funds of the club, it may be remarked that a court of equity will interfere to prevent waste or improvidence: *Charitable Corporation v. Sutton*, 2 Atk., 400; The court will not usually interfere to reinstate an expelled member. In *Hopkinson v. Marquis of Exeter*, 37 L. J. Ch., 173; L. R., 5 Eq., 63, by the rules of the club of which plaintiff was a member, it was made the duty of a general committee to arraign any member whose conduct or character was injurious to the interests of the society. Plaintiff was expelled in the prescribed manner, but the court would not interfere, no caprice or wrong motive being proved. In *Gardner v. Freemantle*, 19 W. R., 256, the power of expulsion was placed in the discretion of the committee, and the court would not interfere.—*Law Magazine*.

CANADA REPORTS.

ONTARIO.

NOTES OF RECENT DECISIONS.

COMMON LAW CHAMBERS.

(Reported by MR. C. C. ROBINSON, Student-at-Law.)

MITCHELL V. ROBERTS.

Law Reform Act—Postponing trial.

[June 5th, 1873, Mr. Dalton.]

Held, that on the return of a summons to try the cause in a County Court, on the ground that

no difficult questions of law will arise, it is no answer to the application to put in affidavits, which are properly grounds for postponing the trial.

McDERMOTT V. ELLIOTT.

Law Reform Act—Expediting clause—Amendment.

[June 9th, 1873, Morrison, J.]

Held, in a case proper to be brought down to the County Court by the Law Reform Act of 1868, but the entry under form "A" was omitted from the issue book, but notice of trial having been given for the County Court, that the omission is not properly a ground for setting aside the issue book and notice of trial, but that the plaintiff will be allowed to amend on payment of costs.

PLEWS V. MUTTON.

Interrogatories—Discovery of documents, &c.—C. L. P. Act, secs. 189, 190.

[June 16th, 1873, Mr. Dalton.]

Held, that on an application for leave to administer interrogatories when a party desires to ascertain what documents his opponent has in his possession relating to the suit, he must proceed under sec. 189 of C. L. P. Act, and cannot administer an interrogatory to that effect under sec. 190.

ASSESSMENT CASES.

IN THE MATTER OF THE APPEALS FROM THE COURT OF REVISION OF THE CITY OF KINGSTON.*

Assessment of Bank Stock.

Bank stock is personal property, liable to assessment.

Bank stock held by a person as trustee, is not assessable as against the trustee.

It is immaterial as to the locality where bank stock may be said to exist, as, unlike real property, it must, like other personal property, be assessed at the place of business or residence of the owner.

[Kingston, July 9, 1873—Burrowes, Co. J.]

The following persons who had been assessed in respect of certain stock held in several char-

* Since the above judgment was printed, we have received notes of decisions on the same point by Judges Boswell and Dennistoun, who have arrived at a different opinion from that expressed by Judge Burrowes. We shall publish their judgments next month.—Eds. L. J.