

RULES OF COURT—JUDGMENTS, HILARY TERM, 1867.

own stand point, it is no wonder that they often disagree. Complete legislation on such a subject is impossible, and yet some legislation is necessary, and so far as England is concerned, further legislation is imperatively demanded.

RULES OF COURT.

The following rules were promulgated during the sittings of Hilary Term—

It is ORDERED,—That the following rules shall come and be in force in the Courts of Queen's Bench and Common Pleas, from and after the last day of this present Hilary Term:—

1. In "Easter" and "Michaelmas" Terms, the first Friday, the second Monday, the second Wednesday, and the third Monday, will be "Paper Days" in the Court of Queen's Bench; and the first Saturday, the second Tuesday, the second Thursday, and the third Tuesday, in the Court of Common Pleas.

2. County Court appeals must be set down for argument for the first or second Paper Days of each Term, such day being the first Paper day next after the date of the Appeal Bond, unless leave be granted by the Court, upon special affidavit, to set it down for a subsequent Paper Day: and the Court will hear County Court appeals on the first and second Paper Days of each Term in preference to the other cases set down upon the Paper.

3. On the last Tuesday and Friday in "Easter" and "Michaelmas" Terms, the Court of Queen's Bench; and on the last Monday and Wednesday, in the said Terms, the Court of Common Pleas, will take the New Trial Paper, and proceed therewith, in like manner as on the other days appointed by Rule of Court for that purpose.

Dated 12th February, A. D. 1867.

(Signed) WM. H. DRAPER, C. J.
WM. B. RICHARDS, C. J., C. P.
JOHN H. HAGARTY, J., Q. B.
JOS. C. MORRISON, J., Q. B.
ADAM WILSON, J., C. P.
JNO. WILSON, J., C. P.

JUDGMENTS—HILARY TERM, 1867.

COURT OF ERROR AND APPEAL.

Present — DRAPER, C. J.; The CHANCELLOR; RICHARDS, C. J. C. P.; HAGARTY, J.; A. WILSON, J.; J. WILSON, J.; MOWAT, V. C.

Thursday, March 14, 1867

Grant v. Brown.—Appeal from Court of Chancery allowed and bill dismissed.

McKenzie v. Yielding.—Appeal from Court of Chancery dismissed with costs.

Hunt v. Spence.—Appeal from Court of Chancery dismissed with costs.

Flower v. Duncan.—Appeal from Court of Chancery dismissed with costs.

Clissold v. Machel.—Appeal from Court of Queen's Bench dismissed with costs.

Friday, March 15, 1867.

Commercial Bank v. Wilson.—Case remitted back to Court of Chancery, with a declaration that judgment at law is totally void.

Dickson v. McFarlane.—Appeal from Court of Chancery, dismissed with costs, Hagarty, J., dissenting.

Commercial Bank v. Cotton.—Appeal from Court of Common Pleas, dismissed with costs, Draper, C. J., Van Koughnet, C., and Mowat, V. C., dissenting.

Pettigrew v. Doyle.—Appeal from Court of Common Pleas, dismissed with costs, Draper, C. J., Van Koughnet, C., and Hagarty, J., dissenting.

QUEEN'S BENCH.

Present:—DRAPER, C. J.; HAGARTY, J.; MORRISON, J.

Monday, March 4, 1867.

Acre v. Livingstone.—*Held*, that the words "remise and release" are not sufficient to operate as words of conveyance, where there is no previous estate for them to operate upon. (Hagarty, J., dissentiente.) Rule absolute for new trial, with costs.

Waddell v. Robertson.—Appeal dismissed with costs.

Gore Bank v. Crooks.—Rule absolute to enter nonsuit, and plaintiff's rule discharged.

Irwin v. Donnelly.—Rule nisi discharged.

Parsons v. Pharabee.—Rule absolute for new trial on payment of costs.

The Queen v. Cummell.—Conviction quashed.

Davidson v. McKay.—Rule nisi discharged.

Foster et al. v. Glass.—Rule nisi discharged. Leave to appeal granted subsequently.

Mitchell v. Barry.—Rule absolute for new trial. Costs to abide the event.

Jackson v. Kassel.—*Held*, that an affidavit of affiliation to the effect that defendant was the father of her child, and not saying "really the father," as required by the statute Con. Stat. U. C. cap. 77, is bad. Rule absolute to enter a nonsuit.

Walmesley v. Walmesley.—Judgment for tenant on bot. demurrers.

The Queen v. Conolly.—*Held*, that an attempt to have connection with a lunatic, with her consent, is no offence; and *Per Cur.*, conviction quashed.

Scragsy v. The Corporation of the City of London. *Held*, that the beneficial occupant of city property is subject to taxes, though the property itself is exempt from taxation. *Held also*, that the decision of the Court of Revision, or a County Judge, on the complaint of a person complaining of being improperly placed on the assessment