

BURYING GROUND CANNOT BE LEGALLY SOLD FOR TAXES.

An action was recently brought by Col. W. W. White of Guelph, to recover damages for trespass to part of lot 64, on the west side of Edward street, Arthur. The plaintiff purchased the lot for taxes. The defendant has taken gravel from it at the instance of the trustees of St. Andrews church, Arthur. Gravel was valued at about \$80.00.

The church trustees were also parties defending the case. They counter claimed, asking that the plaintiff's deed be set aside on the ground that it was void. One of the principal objections to the plaintiff's tax deed was, that the land was a burying ground formerly attached to the Free Church, in Arthur, and could not therefore be assessed or sold for taxes.

County Judge Chadwick delivered judgment, holding that the land was a burying ground and deciding that as such it was exempt from taxation and that the tax sale was void, he, therefore, set aside the tax deed and directed judgment to be entered for the defendant and for the church trustees, dismissing the plaintiff's action with costs to be paid by the plaintiff both to the defendant Connery and to the church trustees.

Re RAWDON VOTERS' LISTS

Mistake in Voters' Notice of Complaint Against List—Amendment of.

Judgment upon case stated by the junior judge of the county court of Hastings and referred to a judge of the Court of Appeal under section 38 of The Ontario Voters' Lists' Act. One Robert Totton, a duly qualified voter, filed with the clerk of the municipality six several notices of complaint, one in respect of voters in each of the polling sub-divisions for the township for that purpose, in each case using the form No. 6, prescribed by section 17 (1) of the Act. In each of his notices the complainant made the mistake of placing in list No. 2 of the form, which is intended for cases of misnomer only, names which should have been placed in list No. 3, as being persons whose names should for various reasons not have been inserted in the voters' list at all. The ground of objection was stated opposite each name. Held, that there is no ground on which a notice of objection such as that in question should not be amended by the Judge as freely as any other notice. Nor can it be an objection to an amendment that the time limited by the Act for serving notice of complaint had elapsed, inasmuch as the matter cannot come before the Judge at all until after that time. Therefore, the Judge might, under section 32, have amended, if he thought any amendment necessary. But in this case no amendment was necessary. Although the names were not placed in the proper list as intended by the statute, no one could be misled by that, inasmuch as the objection to each name is distinctly specified and set forth opposite to each name. The complaints should, therefore, be referred back to the judge to be heard and disposed of according to law.

GARNER v. TOWNSHIP OF STAMFORD.

Action for damages.—Nuisance on Highway—Ante-Mortem Statement as to Cause of Injury.—Joint Liability.

Judgment on appeal by plaintiffs from judgment of MacMahon, J., at the trial at Welland, dismissing the action, which was brought against the municipal corporations of the township of Stamford and the village of Niagara Falls to recover damages for the death of plaintiff's daughter Mabel, caused by the alleged negligence of defendants. The trial Judge excluded evidence of statements made by deceased as to how she received her injuries. Held, following Regina v. MacMahon, 18 O. R. 502, that the statements were properly excluded as

mere narrative of what had happened. But, excluding these statements, there remained a bond of evidence upon which the court could properly find in favor of plaintiffs that deceased met her death by reason of a dangerous nuisance in a footpath for which defendants were responsible. Appeal allowed with costs and judgment to be entered for plaintiffs with costs for \$1,000, \$700 to the father and \$300 to the mother. The defendants are made jointly liable by sec. 610 of the Municipal Act, and no evidence was given at the trial upon which a division of their liability could be based.

WASON v. DOUGLAS

Action for Trespass—Ascertaining Boundary Line—Centre Line of Channel of Stream Proper Boundary.

Judgment on appeal by defendants from judgment of Lount, J. (1 O. W. R., 552) in favor of plaintiff in an action for trespass to land, an island in Blind Creek. The action was first tried by a jury, who found in favor of plaintiff. A Divisional Court (21 C. L. T., Occ. N., 521) directed a new trial for the purpose of ascertaining the true boundary between plaintiff's and defendant's land, holding that the description in the conveyance to defendant entitled him to the medium filum aquae as his boundary, and the position of the centre line of the stream, was the matter to be determined; that the centre line of whichever channel was the main channel in 1883, would be the centre line of the stream, and the jury should be asked to find, if there were two channels, which was the main channel in 1883. The case was then tried without a jury, but the trial judge did not make a finding upon the point indicated by the court. The court as now constituted find that the northerly channel was originally, and at the time of the conveyance to defendant the main channel of Blind Creek, and that the boundary line between plaintiff and defendant is the centre line of this northerly channel. Appeal allowed without costs, and action dismissed with costs.

EQUAL ANNUAL PAYMENTS ON DEBENTURES.

To find equal annual payments required to pay off debentures issued for any number of years at any rate per cent., the following formula may be used:

\$1,000 worth of debentures payable in five years at five per cent.:

Principal.	Interest.	
1. \$1,000 00	\$ 50 00	} Add interest for first year to principal of that year to give the principal for the next year, and then the interest of the second year to give the principal for the next year, etc.
2. 1,050 00	52 50	
3. 1,102 50	55 12	
4. 1,157 62	57 88	
5. 1,215 50	60 78	
<u>\$5,525 62</u>	<u>\$276 28</u>	
\$ 5,525 62 = \$1,000 00		
1 = 1,000 00		
	\$5,525 62	
\$1,000 = 180 97 = 1st year's principal		
Interest 50 = " " interest		
	<u>\$ 230 97 = equal annual payment.</u>	

At a recent sittings of the Division Court in Owen Sound an action brought by Thomas Kennedy against the corporation for work done in keeping open Union street from Brown street to the corporation limits was heard. The Judge was of the opinion that the plaintiff did the work on the understanding that it was to be paid for, and stated that he could not understand upon what principle the affairs of the town were being run, when payment was refused of a claim which its own officer stated should be paid. The suit arose over the impassable condition of the roads owing to the great snowfall in the month of March. Judgment was given in favor of plaintiff for \$25 and costs.