

necessarily resulting to an owner of land entered upon, or used by the city in the exercise of any of its powers, or injuriously affected thereby (the right to which is given by the preceding section), shall be made within one year from the date when the real property was so entered upon, taken or used, or when the alleged damages were sustained or became known to the claimant.

Held, in the case of real property not entered upon, taken or used by the city but only injuriously affected by the exercise of its powers, the year allowed for making the claim for compensation counts only from the date of the completion of the work provided for by the by-law, or from the date when the damages became known to the claimant if that date was later, and not from the date of the commencement of the work, as it would in the case of land entered upon, taken or used.

Clark, K.C., for the plaintiff. *Wilson*, K.C., *Hoskin*, K.C., and *McKerchar*, for the several defendants.

RULES OF COURT—ONTARIO.

For the convenience of the profession in the Province of Ontario we publish the Rules of the Court of the Supreme Court of Judicature for Ontario, promulgated December 31st, 1910.

1304. Any condition precedent to the performance or occurrence of which is intended to be contested, shall be distinctly specified in his pleading by the plaintiff or defendant, as the case may be, and subject thereto, an averment of the performance or occurrence of all conditions precedent necessary for the case by the plaintiff or defendant shall be implied in his pleading.

1305. Rule 806, as amended by Rules 1277 and 1303, is hereby repealed, and the following substituted therefor:

(1) The Appeal Book shall, when a printed book is necessary, be printed in accordance with the rules in Schedule A hereto, and, unless these rules are complied with, shall not be received without the leave of a Judge.

(2) If the press has not been carefully corrected, the Court in its discretion may (a) disallow the cost of printing; (b) decline to hear the appeal; or (c) make such order as to postponement and payment of costs as may seem just.