O. R. 480), quashing certain points of by-law No. 3,239 of the city, passed April 9, 1894, and holding that persons who will be affected by proceedings under section 623 (*b*) of the municipal act, 1892, for the construction of sidewalks, are entitled to actual notice thereof, and to be permitted to show, if they can, that the proposed sidewalk is not desirable in the public interest; and where such notice has been given by advertisement in a newspaper, which has not come to the attention of the applicant, it is just as if no notice had been given. Appeal dismissed with costs, for the reasons given above and other reasons. Fullerton, Q.C., and Caswell for appellants. F. E. Hodgins for respondent.

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PARKER v. McIlwain.—13th January, 1896.—Rule 526 — "Parties"—Attaching. Order of rent due on mortgaged premises. Judgment on appeal by the Scottish-American Investment Co., from order of Common Pleas Divisional Court (16 P. R. 555), setting aside order of Robertson, J., affirming order of Master in Chambers, rescinding certain orders attaching rents as debts, in so far as the tenants of the houses mortgaged to the applicants were concerned, and holding that the appellants were not "parties affected" by the attaching orders, within the meaning of rule 536. The appellants are claimants of the rents attached by virtue of a mortgage to them from the judgment debtor, and by reason of a notice given by them to the garnishees, the tenants, to pay rent to them. Appeal allowed with costs, and orders of Judge and Master in Chambers restored with costs. Held, that the appellants were "parties" within the meaning of rule 536, and that rule applied, and even without it a motion to set aside the attaching orders could be entertained; and (2) that, upon the facts. these orders were properly set aside, as there was nothing to attach, and the tenants had attorned to the appellants. W. Cassels, Q.C., and W. H. Lockhart Gordon for appellants. Aylesworth, Q.C., and J. E. Cook for plaintiff.

WARD v. Davis.—31st January, 1896.—New trial—Misdirection by Judge to Jury—Intemperate language. W. Douglas, Q.C., for plaintiff, appealed from order of Judge of the County Court of Kent, in term, dismissing motion by plaintiff to set aside the findings of jury and verdict for defendant in action to recover $200, the value of certain wheat, rye, straw and lumber, upon the farm sold by plaintiff to defendant. The plaintiff alleged that after agreement to sell the land was made defendant obtained possession and converted the above goods contrary to agreement. The trial Judge's charge to the jury was objected to. He said: "You have heard the whole story, and I can only say that a case so utterly lacking in the elements of honesty has never been tried before me." M. Wilson, Q.C., for defendant, opposed appeal. Appeal allowed with costs and new trial directed without costs.

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REGINA v. Grant.—31st January, 1896.—Jury notice—Striking out—Action against sureties—Sub-collector of Customs. In this case the defendant appealed from order of Robertson, J., striking out jury notice in action upon a bond against defendant and two of his sureties for a shortage in his accounts as sub-collector of customs at Barrie. The particulars of the claim against defendant Grant consist of over 100 items of shortage in sums of from $1 to $1.50, and each item is a matter arising by itself, and requires special proof. The particulars furnished cover 31 pages of type-written matter. The court held that they could not do away with a jury in Crown cases. The jury has always stood between the Crown and the people. That is a reason why the grand jury exists to-day, and it would, in many cases, do injustice to deprive a party on a chamber motion of his right to a jury. Appeal allowed with costs without prejudice to a motion to trial judge to dispense with jury. F. E. Hodgins for plaintiff. Creswicke (Barrie) for defendants (appellants).