

Notes of Canadian Cases.

SUPREME COURT OF JUDICATURE FOR ONTARIO.

HIGH COURT OF JUSTICE.

Queen's Bench Division.

Div'l Court.]

[May 22.

IN RE HANNA v. COULSON.

Prohibition—Division Court—After-judgment summons—Garnishee—“Defendant”—R.S.O., c. 51, s. 235.

The word “defendant” as used in s. 235, *et seq.*, of the Division Courts Act, R.S.O., c. 51, means the person sued in the action, and does not include a garnishee.

Prohibition to a Division Court granted where the primary creditors, having obtained judgment against the garnishee, issued an after-judgment summons against him.

Aylesworth, Q.C., for the primary creditors.

Stobey for the garnishee.

GALT, C.J.]

[April 29.

IN RE ROBINSON AND CITY OF ST. THOMAS.

Municipal corporations—By-law—Exclusive privilege granted to telephone company—Monopoly—Municipal Act, 55 Vict., c. 42, s. 286.

A by-law passed by a city council ratified an agreement between the city and a telephone company, providing that no other person, firm, or company should, for five years, have any license or permission to use any of the public streets, etc., of the city for the purpose of carrying on any telephone business.

Held, that this by-law was in contravention of s. 286 of the Municipal Act, 55 Vict., c. 42, and was *ultra vires* of the council; and it was quashed accordingly.

Hellmuth for the applicant.

C. McDougall, Q.C., for the city corporation.

S. G. Wood for the Bell Telephone Co.

Chancery Division.

Div'l Court.]

[April 22.

THE ONTARIO INVESTMENT ASSOCIATION v. LEYS.

Company—Joint stock—Acceptance of shares—Object of—Unpaid calls—Liability of acceptor.

The defendant accepted shares in the plaintiff association at the request of the president and managing director for the purpose of attending a meeting of shareholders and forming a quorum, and gave him a power of attorney to