same time, I must not be understood as assuming that the attempt to do so has been made in this case. The exclusive jurisdiction referred to, in my humble opinion, means an exclusive jurisdiction over the whole cause of action, and has reference to such an action as, prior to the time mentioned, must of necessity have been tried in the Court of Chancery. From a perusal of numerous decided cases, it is manifest that actions substantially similar to this have been brought in common law courts; see, for example, *Bower* v. *Hill*, 1 Bing. N.C. 549; *Allan* v. *Ormond*, 8 East 4; *Murray* v. *Hall*, 7 C.B. 441. This action, it seems to me, partakes of the character of an ordinary action of trespass. The question of title comes to the fore in the outset, and as a consequence important questions of fact, it may fairly be presumed, will have to be dealt with which may be proper for the determination of a jury.

As to the claim for an injunction, the jurisdiction of the Court of Chancery was not, before 1873, by any means exclusive, for by c. 23 of the C.S. of U.C., the common law courts had power to grant injunctions, and, as would appear, frequently exercised such jurisdiction; see *McNab* v. *Taylor*, 34 U.C.R. 524, which is a case in many respects similar to the one in question.

Usually, applications of this kind are made for the purpose of expediting the trial, as where the sittings of a court without a jury are to be held at an earlier date than a court with a jury; but no such reason can be advanced in this instance. Now, as the trial judge has ample power to deal with the application, and as the whole matter will come before him in a very few days, I think the motion should be enlarged to be taken before him, and that the question of costs should be referred to him also.

J. Bicknell for plaintiffs.

W. F. Burton for defendant.

GALT, C.J.] [Oct. 27.

WEBSTER *v.* CITY OF TORONTO.

Discovery—Examination of officer of municipal corporation—Street foreman.

In an action for damages for negligence in keeping a public way in a state of disrepair,

Held, that a street foreman in the employment of defendants under their street commissioner, who stated that he had general supervision of the roads and sidewalks, was not an officer examinable for discovery under Rule 487.

W. H. P. Clement for the plaintiff.

H. M. Mowat for the defendants.

COLEMAN *v.* CITY OF TORONTO.

Discovery—Examination of officer of municipal corporation—Medical health officer.

The medical health officer of a municipal corporation, though appointed by the council and paid by the corporation, is not an officer of the corporation examinable for discovery under Rule 487.

Forsyth v. *Canniff*, 20 O.R. 478, followed.

R. Boulthee for the plaintiff.

H. M. Mowat for the defendant.

[Nov. 3.

COUSINEAU *v.* PARK.

Costs—Taxation—Final certificate—Objections—Appeal—Interlocutory costs—Rule 1230.

Where, under the judgment in an action, the costs thereof are to be taxed to one party, and under interlocutory orders certain costs are payable to the opposite party in any event on the final taxation, the taxing officer should not close the taxation of the costs of the action and certify the result until the interlocutory costs are taxed, unless there is unreasonable delay in bringing in a bill of the latter costs; and a party should not be deprived of his appeal from the taxation by reason of his having omitted to carry in objections before the taxing officer, as required by Rule 1230, where he has not delayed and has acted in good faith, relying on the officer not issuing his certificate until after the taxation of the interlocutory costs.

Guerrier v. *White*, 12 P.R. 571, distinguished.

Roche for the plaintiffs.

Douglas Armour for the defendants

THE MASTER IN CHAMBERS.] [Nov. 5.

FERGUSON *v.* GOLDING.

Venue—Change of—County Court action—Intituling of papers.

Where a motion is made to a judge of the High Court or the Master in Chambers, under Rule 1260, to change the venue in a County