

for upwards of five years, while it was in operation, and having also by the resolution aforesaid, procured further expenditure by the company, were bound by acquiescence, and could not now maintain an action for the removal of the railway from the street. A corporation may be bound by acquiescence as an individual may.

Quære, whether such acquiescence would have availed as a legal justification for the defendants on an indictment for a nuisance, at the suit of the Crown. *The Corporation of the Township of Pembroke v. The Canada Central R. W. Co.*, 503.

5. *Train moving backwards—Negligence.*—The defendants were required by law to station a man on the last car of every train moving reversely in any town, to warn persons standing on or crossing the track of the approach of the train.

Held, that the defendants did not comply with this direction by having a man at the front end of the last car, where he could not see persons crossing the track.

In this case there was no brake at the rear end of the last car. The brakeman on the last car, seeing the track clear a few minutes before the accident, went to the front end, and the plaintiff then attempting to cross, was injured.

Held, evidence of negligence to go to the jury. *Levoy v. Midland R. W. Co.*, 623.

See PLEADING.

REGISTRAR.

1. *Recovery of excess of fees from.*—See REGISTRY LAWS, 1.

2. *Registry of improper instrument.*—See REGISTRY LAWS, 2.

REGISTRY LAWS.

1. *Registrar—Dismissal during year—Return to municipality—Liability for excess of fees.*—The defendant was registrar of the county of Bruce, and during the year 1882 was discharged from office. The plaintiffs brought this action for the recovery of the proportion of the amount of fees received by him up to the time of his dismissal in excess of the amount allowed to be retained by him pursuant to R. S. O. ch. 111, sec. 104.

Held, affirming the judgment of GALT, J., that the dismissal of the defendant during the year did not deprive the plaintiffs of their right to recover the excess, which right did not depend upon the return to be made in each year. *The Corporation of the County of Bruce v. McLay*, 23.

2. *Registry of instrument not authorized by Registry Act—Cloud on title—Damages—Parties—Notice of action.*—S., believing that his father (still living, but of unsound mind) was entitled to certain lands to which the plaintiffs claimed title, took the advice of his solicitor, C., who being advised by counsel, instructed by S., prepared and registered an instrument, whereby he, S., stated that he claimed the lands, and would upon the demise of his father commence proceedings for their recovery. The plaintiffs were thus obstructed in the sale of their lands, and brought an action against S., C., and the registrar, to remove the instrument from the register, as being a cloud on the title, and for damages. PROUDFOOT, J., dismissed the action as against the registrar, but gave judgment, with a reference to assess damages against S. and C.