

Q. B.]

NOTES OF CASES.

[Q. B.]

S., proved the will in January, and the plaintiffs, who knew of the death of S., had written to his son three [days before maturity, calling his attention to the note. The plaintiffs having taken it up and sued defendant,

Held, that the notice was insufficient, ARMOUR, J., dissenting.

DUNLOP V. THE CANADA CENTRAL RAILWAY COMPANY.

R. W.'s and R. W. Co.'s—Deed by part owner of land—Infants' interest barred—31 Vict. ch. 68, D.

The mother of infant children, resident with her, being entitled to a third undivided interest in the land, they owning the residue, by deed agreed with a railway company, in consideration of an extension by them of their line of railway from R. to P., and for \$1, to grant to them in fee the right of way "through my land in P., consisting of such portion of lots 18 and 19 as may be required to carry the railway across said lots," and conveyed to them accordingly. At the time of the conveyance she had not been appointed guardian to her children : *Held*, that under the Railway Act of 1868 (31 Vict. c. 68, sec. 9, sub-secs. 3, 9, D.), her deed barred the children's interest in the land as well as her own, and that they were not therefore entitled to compensation from the company.

VACATION COURT.

Cameron, J.] [March 23.
IN RE CORPORATION ALBERMARLE AND CORPORATION, EASTNOR, LINDSAY AND ST. EDMONDS.

Separation of Municipalities—Apportionment of assets and liabilities.

Held 1. That on the separation of united townships, arbitrators appointed to apportion assets and liabilities may consider receipts and expenditures during the union, and are not restricted to a mere division of assets, with set off of liabilities. 2. Under the facts of this case the arbitrators had improperly distributed the Municipal Loan Fund moneys.

Observations on the duties of arbitrators in such cases, and the mode of procedure.

Bethune, Q. C., for applicants.

H. J. Scott, contra.

Cameron J.] [Feb. 24.

IN RE COUNTRYMAN V. EDWARDSBURGH.

Municipal Corporations—Stopping up original road allowance—By-law—R. S. O. ch. 174.

It is not for the Court to consider the balance of convenience or inconvenience that may arise from the passing of a by-law for closing an original road allowance, if passed after the observance of the preliminary requisites prescribed by the Municipal Institutions Act (R. S. O. ch. 174).

A Township Council has power, under the above Act, to pass a by-law merely for the stopping up of an original road allowance, and is not restricted to the passing of a by-law for stopping up the allowance for the purpose of sale.

Rose for applicant.

Watson, contra.

Osler J.] [Feb. 27.

IN RE LANGDON AND THE TOWNSHIP OF ARTHUR.

Railway—Bribery—Refusal of Council to pass by-law—Mandamus.

Where a by-law granting a bonus to a railway has been carried by the electors, a Municipal Council may refuse finally to pass the same in consequence of its passage having been procured by bribery, and may set up such bribery in answer to an application for a mandamus.

Observations as to how far bribery must be proved in a case of the kind.

J. K. Kerr, Q. C., for applicant.

H. J. Scott, for Township.

Cameron J.] [March 2.

CANADIAN BANK OF COMMERCE V. GREEN ET AL.

Principal and surety—Negligence of creditors—Change of surety.

Defendants were makers and endorsers,