

the present actions were not maintainable against the defendants as incorporators or as solicitors bringing actions on behalf of plaintiffs who had no legal existence.

It was contended by the plaintiffs before the Divisional Court that the defendants were members of a *de facto* corporation in which they held shares that were not fully paid up, and that recovery could be had against them to the extent of the amounts remaining unpaid upon their shares, but no such case was made upon the pleadings or at the trial.

The Court treated this contention as not having been raised, and reserved leave to the plaintiffs to raise it in fresh actions, as they might be advised.—*Flatt v. Waddell—Townsend v. Waddell*, 539.

Head office—Branch office.—See ASSESSMENT AND TAXES, 1.

See MUNICIPAL CORPORATIONS.

COSTS.

Of commitment and conveying to jail.—See CANADA TEMPERANCE ACT, 2—CONSTABLE.

See CORPORATIONS, 2—INFANT—JUSTICE OF THE PEACE, 1—TRADE MARKS.

COUNTER-CLAIM.

See LANDLORD AND TENANT, 2.

COUNTY.

See CANADA TEMPERANCE ACT, 1.
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COUNTY JUDGE.

Appeals to.—See VOTERS' LISTS.

COURT.

One or more Judges sitting in absence of others.—See CRIMINAL LAW, 1.

Contempt of.—See CONTEMPT OF COURT.

See DIVISION COURTS—HUSBAND AND WIFE, 1.

COURT OF REVISION.

Jurisdiction of.—See PUBLIC SCHOOLS, 3.

See VOTERS' LISTS.

COVENANTS FOR TITLE.

Covenant against incumbrances and for quiet enjoyment—Municipal corporations — Local improvement rates.—Action on covenants in a deed of land whereby the defendant covenanted that he had done no act * * * whereby or by means whereof the lands * * * were, or should, or might be in anywise impeached, charged, or affected, or encumbered, in title, estate, or otherwise however, and that the grantees should enjoy them free from all incumbrances.

It appeared that a scheme of local improvement which resulted in the imposition of a fixed rate for ten years, as a charge upon the lands conveyed, to defray the expense of the improvement, was undertaken at the instance and upon the petition