

STREET, J.]

[Dec. 11.]

*In re PECK AND TOWNSHIP OF  
AMELIASBURGH.**By-law—Procedure on motion to quash—Notice of motion—Time.*

The procedure by rule *nisi* to quash a by-law is no longer in force, and the proceeding by motion is substituted for it; but section 332 of the Municipal Act, R. S. O. c. 184, which requires four days' notice of an application to quash, is still in force; and the notice of motion given in this case, being only a two days' notice, was insufficient.

*A. H. Marsh*, for the applicant.

No one for the township.

Street, J.]

[Dec. 11.]

*WILLGESS v. CRAWFORD.**Foreclosure—Subsequent incumbrancer—Reference—Interlocutory order—Amending judgment.*

There is no authority to make a reference by interlocutory order to a Master to add parties, with the object of allowing them to redeem or having them foreclosed.

And where the plaintiff in a mortgage action obtained the usual foreclosure judgment, and had his account taken thereby without a reference, and after final order of foreclosure discovered that a subsequent incumbrance existed, the judgment was amended under Con. Rules 780 and 781, so as to convert it into a judgment under Con. Rule 776, with a reference to the Master in Ordinary to add incumbrancers, take the accounts, etc.

*H. T. Beck*, for the plaintiff.

MacMahon, J.]

[Dec. 11.]

*REGINA v. REMON.**Criminal law—House of ill-fame—Inmate—Satisfactory account of herself—R. S. C. c. 157, s. 8, s.s. (j.)*

Upon a charge against an inmate of a house of ill-fame under s.s. j, of s. 8, of R. S. C. c. 157, it is not necessary to show that the accused was called upon to account for her pres-

ence in the house before arrest; the concluding words of the sub-section, "not giving a satisfactory account of themselves," are to be read as applying only to frequenters, and not to keepers or inmates.

*Regina v. Leveque*, 30 U. C. R. 509, distinguished.*Aylesworth*, for the defendant.*J. R. Cartwright*, for the Crown.

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[Dec. 11.]

*TRUST AND LOAN Co. v. GORSLINE.**Receiver by way of equitable execution—Attachment of debts—Salary not yet due.*

Judgment creditors, on the 7th December, 1888, moved for a receiver by way of equitable execution to receive money, which they alleged would be due to the judgment debtor on the 21st December, 1888, for salary as a schoolmaster. The application was refused.

*Held*, that if the debt was one which could be garnished, the judgment creditors should attach it; if it could not be garnished, it was because there was no debt at all.

*Kincaid v. Kincaid*, 12 P. R. 462, distinguished.*A. H. Marsh*, for the judgment creditors.

No one for the judgment debtor.

Street, J.]

[Dec. 11.]

*In re D.      IN INFANTS.**Infants—Habeas corpus—Right of father to custody—Age of infants—Habits of parents—Religious belief—R. S. O. c. 137, s. 1.*

Upon an application by the father of two infants, under the ages of five and three respectively, for a *habeas corpus* to obtain their custody from the mother, it appeared that the applicant was a man of drunken habits and of evil conversation, that he had beaten his wife and so ill-treated her that she was justified in leaving him, while she was a moral and sober woman. It was also shown that the maternal grandmother of the infants was able and willing to give them a home with their mother, who lived with her, while the paternal grandmother was neither able nor willing to do so.