as to there not being 30 days notice, but the objection was overruled on the authority of that case.

In addition to 50 shares personally subscribed by the defendants O. and S., the plaintiffs claimed that they were holders respectively of 75 and 60 shares of the said stock for which they had not subscribed.

Held, on the evidence that O. was not such holder, but that S. was, and was therefore liable thereon.

Foster, and *J. B. Clarke*, for the plaintiffs.

J. K. Kerr, Q.C., for the defendants.

FULL COURT, DEC. 15.

CORPORATION OF WELLAND v. BROWN.

Principal and surety—Collector's roll—Certificate—Entries on roll—Evidence—Commission.

In an action against sureties for a town collector for his default in paying over the taxes collected by him,

Held, (1) that it is not necessary that the roll should be certified, but it is sufficient if it be signed by the town clerk; (2) that entries made by the collector on his roll in the discharge of the duties of his office of taxes paid, are evidence in an action against the sureties.

The jury, without any evidence to justify such finding, allowed the collector a commission of 3½ per cent. on the taxes collected by him.

Held, that this amount could not be allowed, and that the verdict against the sureties must be increased by this amount, less a sum of $75, which appeared, by a by-law put in, by leave on the argument, to be the proper amount allowable to him, on defendants pleading a plea which would justify plaintiffs in making such deduction.

Lash, Q.C., for the plaintiffs.

Osler, Q.C., for the defendants.

REGINA v. FLINT.

Keeping house of ill-fame—Evidence—32 & 33 Vict. ch. 82, D., construction of—Statutory offence, or at Common Law.

On an application to the Divisional Court to quash a conviction made by the Police Magistrate of the city of Toronto against the defendant for keeping a house of ill-fame, there being evidence upon which the Magistrate could convict, the court refused to interfere.

In the conviction the offence was stated to be against the statute in such case made and provided.

Held, that if not constituted an offence under 32 & 33 Vict., ch. 32, D., the reference to the statute might be treated as surplusage, and the conviction sustained under the common law; but that the reference to the statute might be supported because the 17th sec. imposes a punishment in some respects different from the common law.

Bigelow for the prisoner.

Fenton for the Crown.

MCPHERSON v. GEDGE.

Mechanics lien—Lienholder not party to suit—Enforcing lien after dismissal of suit.

Held, Galt, J., dissenting, that a registered claimant under the Mechanics Lien Act, who has not commenced an action in his own right, either singly or alone, with other registered claimants, can in an action brought by other claimants, except in so far as it is his action, which has proceeded to the close of the pleadings, set aside the dismissal of that action which the plaintiffs therein have assented to, and claim the right to prosecute it for his own benefit.

Frank Hodgins, for the applicant.

Langton, for the defendants.

FARGEY v. GRAND JUNCTION R. W. CO.

Railway Companies—Amalgamation—Enforcing decree obtained prior to amalgamation.

Part of the consideration for the right of way over plaintiff's land was that the company, the B. & N. H. R. W. Co., should construct a cattle pass under the railway for the use of the plaintiff. The company refused to construct the pass, whereupon the plaintiff, on the 30th April, 1880, filed a bill in chancery against the company to enforce the agreement, to which the company, on the 13th September, 1880, filed an answer, and on the 13th November, a decree was obtained by consent to construct it on certain terms specified therein. In March, 1879, the Act 42 Vict. ch. 53, O., was passed, autho-