

Held, that the report of the Master under such reference was not subject to the provisions of Rule 848 as to confirmation by filing and lapse of time, but that any time after it was made, a motion for judgment upon it was in order under Rule 753, and upon such motion the Court could adopt it wholly or in part, and any party dissatisfied with it might, before or on the return of the motion for judgment, move to set it aside or vary it.

W. H. Blake for the plaintiff.

Langton for the defendant.

FERGUSON, J.]

[Feb. 10.

IN RE MURRAY.

*Infants—Service on official guardian—Quiet-
ing Titles Act.*

In a proceeding by petition under the Quiet-
ing Titles Act service on the official guardian is
good service upon infants who are required to
be notified of the proceedings.

H. D. Gamble for petitioner.

FALCONBRIDGE, J.]

[Feb. 18.

PAYNE v. NEWBERRY.

*Costs—Security for—Motion for judgment un-
der Rule 739—Rule 1251.*

Since the passing of Rule 1251, the practice
sanctioned by *Doer v. Rand*, 10 P.R., 165, and
Anglo-American Casings Co. v. Rowlin, *ib.*, 391,
is no longer applicable.

And where a plaintiff against whom a præcipe
order for security for costs had been obtained,
moved to set it aside, and for judgment under
Rule 739, without paying \$50 into Court under
Rule 1251, his motion was dismissed.

E. Taylour English for plaintiff.

Douglas Armour for defendant.

Q.B.D., Ct.]

[Feb. 12.

DANAHER v. LITTLE.

*Costs—Scale of—Jurisdiction of County Court
—Title to land.*

The plaintiff, by his statement of claim, alleged
that he was and had been for more than six
years the owner of certain land, which was un-
occupied, and claimed damages for timber cut

by the defendant on such land. The defendant,
by his statement of defence, disputed the plain-
tiff's claim, and set up certain facts by way of
confession and avoidance. The action was
brought in the High Court, but the plaintiff re-
covered only \$120 damages.

Held, that under the pleadings the plaintiff
was obliged to prove his title to the land, and
therefore the County Court would have had no
jurisdiction, and the costs should be on the scale
of the High Court.

J. B. Clarke for plaintiff.

Langton for defendant.

FALCONBRIDGE, J.]

[Feb. 18.

CENTRAL PRESS ASSOCIATION v. AMERICAN
PRESS ASSOCIATION.

*Discovery—Examination of officer of company
—Refusal to attend—Motion to strike out
company's defence.*

There is no power to strike out the defence of
an incorporated company for the refusal of an
officer to attend for examination for discovery.
Badgerow v. Grand Trunk Railway Co., 13 P.R.,
132, approved.

McCrimmon for plaintiffs.

C. J. Holman for defendants.

Law Students' Department.

EXAMINATION BEFORE HILARY
TERM: 1890.

CERTIFICATE OF FITNESS.

Mercantile Law—Statutes—Practice.

Examiner—R. E. KINGSFORD.

1. A. is agent for B., and as such effects a
sale for B. by fraudulent misrepresentation at a
high price. A. is subsequently compelled by
the purchaser to refund the money. He is then
sued by B. to recover the price. How far should
he succeed? Why?

2. What is a *Charter Party*? What are its
customary stipulations?

3. A. is mortgagee of chattels under a chattel
mortgage whereby the mortgage debt is to be