most three pleadings, viz., bill, answer and replication, or in certain cases, in bill and answer or demurrer alone. There is no provision in our procedure for any fourth pleading after replication, as there is at law: consequently the result of alleging new facts by way of replication would be to deprive the defendant of any opportunity to answer them or even to take issue upon them. It has always been the practice heretofore, where it was desired to meet the defence set up by an answer by the allegation of facts in confession and avoidance, to introduce such facts by way of amendment to the bill. The defendant has then an opportunity of answering the facts so introduced.

The qualifications with which admissions may be made in the replication are not such as introduce new matter, but are only such as may be thought necessary for restricting the admission within certain limits, *e.g.*, that the admission is made for the purpose of the suit only, or that it is made with reference only to a certain specified part of any given paragraph of the defendant's answer.

This replication must be set aside with costs, the plaintiff to have leave to file a new replication within ten days.

NOTES OF CASES

IN THE ONTARIO COURTS, PUBLISHED IN ADVANCE, BY ORDER OF THE LAW SOCIETY.

COURT OF APPEAL.

Wyld v. Liverpool, London & Globe Insurance Company.

(May 6, 1876.)

Appeal to Supreme Court—Allowance of bond—Practice.

Appeal to the Supreme Court from the Court of Appeal.

The appellants, on a two days' notice of motion, moved for the allowance of the appeal bond and the settlement of the case on appeal. The motion came on to be heard within thirty days after the pronouncing of the judgment appealed from. The execution of the bond was proved by affidavit and the sureties justified in the usual manner. The notice of motion informed the respondent of what the proposed case in appeal would consist. It was objected that the case itself had not been served; that no information as to the bond was given in the notice, and that the notice had not been given early enough under sections 23 and 28 of the Supreme Court Act.

Moss, J., allowed the bond and case, as stated, as sufficient, but said that the respondent might have an enlargement if necessary to inquire into the sufficiency of the sureties.

Osler for appellant.

J. A. Boyd contra.

COMMON LAW CHAMBERS.

In Re McKenzie and Ryan.

(April 18).

Division Courts—Jurisdiction—Splitting cause of Action—Unsettled account over $200, but under $400—39 Vict., cap. 15, sec. 2.

The plaintiff, in a suit in a Division Court, brought before the passing of 39 Vict., cap. 15, sued for $30 due as a balance of an account for board for self and horse, which appeared at the trial to be a balance of an unsettled account exceeding $200. He also sued for $82 for board for self and horse for a subsequent period, and abandoned the excess of $12 over $100. On objection being taken to the jurisdiction of the Division Court, the Judge allowed an amendment; and the plaintiff then altered his claim, reducing it to the $82 only, and the case was again tried and judgment reserved, whereupon application was made for probition.

Harrison, C. J., *held*, 1. That the Division Court had not, independently of the 39 Vict., cap. 15, sec. 2, jurisdiction; but

2. That under that Act the claim might have been investigated, as the subsequent proceedings took place after its passing, and there was therefore no necessity for any amendment.

W. R. Meloch shewed cause.

Meyers supported the summons.

In Re Hurst, an Insolvent.

(April 18).

Insolvent Act of 1875, sections 125, 128, 130, 133—Appeal—Fraudulent preference.

Appeal, under section 128 of Insolvent Act of 1875, from decision of County Judge of Halton.