

REPORTS AND NOTES OF CASES.

Province of Ontario.

HIGH COURT OF JUSTICE.

Meredith, C.J.] CHALLONER v. TOWNSHIP OF LONO. [June 18.

*By-law—Drainage—Petition for—Qualification of petitioners—"Last revised assessment roll"—"Exclusive of farmers' sons not actual owners"—Invalid by-law—Damages.*

In an action for an injunction to restrain a municipality from proceeding with the work under a drainage by-law.

*Held*—1. The assessment roll last revised previous to the passing of the by-law is the one to be looked at for the purpose of ascertaining whether the petition for the work was sufficiently signed to authorize the passing of the by-law.

2. The words "exclusive of farmers' sons not actual owners" in sub-s 1 of s. 3, R.S.O. c. 226, does not refer to farmers' sons who are not actual owners in fact, but to farmers' sons so shewn by the last revised assessment roll.

3. Two sons to whom a father was willing and promised to grant his farm taking back a life lease had an interest in the land of a freehold nature entitling them to be assessed as joint owners and were not "farmers' sons not actual owners."

4. Following *Connor v. Midagh* and *Hill v. Middagh* (1889), 16 A.R. 336 and *McCulloch v. Township of Caledonia* (1898), 25 A.R. 417, that the by-law not having been quashed the plaintiff was not entitled to damages for work done under it although invalid.

T. G. Meredith, for plaintiff. Macbeth, for corporation. Alex. Stuart, Q.C., for defendant Oliver.

Street, J.] LOVE v. LATIMER. [Oct. 5.

*Trade name—Sale of business—With right to use for limited period—Right to use after period expired.*

The proprietor of a firm name of no pecuniary value per se, and not being merely his own name, who has sold the business with which it was connected, and with it the right to use the firm name for a limited period cannot, after the expiry of the time, prevent the user of such name when he himself does not carry on or intend to carry on business under it.

Meek, for plaintiff. Heighington, for defendant.