A noteworthy instance of promptitude in the redress of a wrong occurred last week in the Lord Mayor's Court. A defendant had his goods and chattels seized late on Saturday night by the Sheriff of Surrey, under a *fi. fa.* of that Court. The defendant was entirely ignorant of any proceeding having been taken against him until he found the sheriff in possession, and the original debt of about £8 had been nearly doubled by the addition of costs. On Monday the defendant searched the file of the Court and found an affidavit by a process-server of personal service of a writ of summons in the City. The defendant then made an affidavit to the effect that he had no knowledge whatever of any proceedings having been taken against him previous to Saturday night, and the Registrar thereupon ordered a special Court to be held on the following morning to hear the defendant's application to set aside the proceedings. Notices were served that day on the plaintiffs and their attorneys, and on Tuesday the Recorder, after hearing all parties treated the alleged service as a case of mistaken identity, and set the proceedings aside on the defendant undertaking not to bring any action for trespass or otherwise, and the plaintiff undertaking to give the defendant until Saturday, the 14th inst. (the ordinary court day), before taking any further proceedings for the recovery of their debt. At mid-day the same day the sheriff had withdrawn. This mistake of the process-server costs the plaintiffs or their attorneys something like £20, and might cost them much more but for the terms stipulated by the Recorder to prevent other proceedings being taken.

It may be as well to note in recording this case, that there is no provision to meet similar cases in the county courts, except in the largest of them, where the judges sit very frequently. In many of the smaller courts a judge would not be available for weeks to rectify a similar error, to the serious loss of the victim. Could not some provisions be made in the new County Couts Bill to meet cases of the kind?—*English Paper.*

## MAGISTRATES, MUNICIPAL, INSOLVENCY & SCHOOL LAW.

### NOTES OF NEW DECISIONS AND LEADING CASES.

Tax Sale in 1855—Objections to—13 & 14 Vic. ch. 67.—33 Vic. ch. 23 O.—An action of ejectment to try the validity of a tax title having been begun before the 33 Vic. ch. 23, O., was passed, the Court, under sec. 4, determined the objections taken to the sale, in order to settle the right to costs, in the same manner as if the act had not been passed.

The Sheriff, at a tax sale, on the 26th of December, 1855, notified the purchasers that if they did not pay in two or three weeks he would sell the land again. The defendant having purchased portions of certain lots did not pay, and the lots were put up again as whole lots, not by the acre. The defendant then asked those present not to bid, as he had a title to the lots bid off by him at the first sale, which he wished to perfect. Accordingly no one bid against him, and he obtained the lots. What his title was did not appear. *Semble*, that the sale under such circumstances could not be supported; but no opinion was given on this point, as the plaintiff might, under *Raynes* v. *Crowder*, 14 C. P. 111, be compelled to go into Chancery for relief on such a ground.

*Held*, that the 13 & 14 Vic. ch. 67, secs. 46 and 47, did not make the list of taxes directed to be prepared by the Treasurer binding; and that if the tax was not legally imposed, but merely debited against the lot by the Treasurer, it was not made valid by being entered in such list.

*Semble*, that the advertisement was bad, for not specifying whether the lands were patented or held under a lease or license of occupation.

It was objected also that the land was sold for taxes which had accrued for more than twenty years, and that the sale was adjourned illegally, though a large number of bidders were present. *Semble*, that these objections could not be supported.—*McAdie et al Corby*, 21 U. C. C. P. 349.

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By-law to divide a School Section—Seal—Delay in moving.—Application to quash a by-law passed on the 14th of August, to divide a School Section, on the ground that it was not under the seal of the Corporation, and that it did not appear that all parties to be affected had been duly notified of the intended step or alteration.

Upon the affidavits on both sides, set out below, the Court were satisfied that the seal had been duly affixed.

As to the notice, the applicant swore he had received no notice of the intention to divide the section or pass the by-law, and believed the Corporation gave none, and this was confirmed by the local superintendent. On the other hand, it was sworn that the Council in February received petitions, numerously signed, for the division, which they directed to stand over until their next meeting, on the 14th of August, and instructed the Clerk to give the necessary notices that such petitions would then be considered, and that such notices had been seen in a hotel, in the post-office, and in the school-house. In reply the Clerk denied receiving such instructions, and a person who had lived at the hotel, and the Postmaster, swore that they had never seen the notices.