

rata with the other creditors in the proceeds of the sale of the land.

Held, that as the conveyance was made with the advice and co-operation of the plaintiff, by his conduct he agreed to this alienation of the assets, and must be considered to have consented to take satisfaction out of the property which remained.

Held, also, that although Con. Rule 309 provides for trustees suing and being sued as representing the property or estate of which they are trustees, the Court of Appeal having held that F. had no *locus standi*, he could not be considered as representing the parties who were beneficially interested, and all the claims allowed to F. as assignee for creditors must be disallowed.

Held, also, that the judgment in *F. v. K.* (16 A.R., 276), or *T. B. & Co. v. K.*, as it was after F. was struck out, was not evidence in this action.

Semble, a certified copy of the certificate of the Registrar of the Court of Appeal as to the result of an appeal is not proper evidence of the judgment in the Court of Appeal.

A. C. Galt for the defendant Kenny who appealed.

Walter Macdonald for the plaintiff.

George Kerr, jr., for Ferguson, the assignee.

ROBERTSON, J.] [March 19.
RE CHAPMAN AND THE CORPORATION OF THE
CITY OF LONDON, AND
RE CHAPMAN AND THE WATER COMMISSIONERS FOR THE CITY OF LONDON AND
THE CORPORATION OF THE CITY
OF LONDON.

Justices of the peace—R.S.C., c. 174, ss 80 and 140—"Person" in R.S.C., c. 1, s. 7, s-s. 22—Prohibition.

The law has not been altered in any way by 32 & 33 Vict., c. 29, s. 28 (R.S.C., c. 174, s. 140), so as to give Justices of the Peace jurisdiction in any matter which they did not have prior to the passing of that statute.

The word "person" in R.S.C., c. 1, s. 7, s-s. 22, includes any corporation to whom the context can apply according to the law of that part of Canada to which such context extends; but as Justices of the Peace never had jurisdiction by the criminal procedure to hear charges of a criminal nature preferred against corporations,

such word does not include corporations in cases where a Justice of the Peace is attempting to exercise such a jurisdiction.

A Justice of the Peace cannot compel a corporation to appear before him, their "body" cannot be taken into custody, he cannot proceed *ex parte*, nor can he commit or detain them in custody, nor can he bind them over to appear and answer to an indictment; that being so, he has no jurisdiction to bind over the prosecutor or person who intends to present the indictment.

A writ of prohibition can issue to a Justice of the Peace to prohibit him from exercising a jurisdiction which he does not possess.

J. B. Clarke, Q.C., for the application.
Hutchinson contra.

ROBERTSON, J.]

ANDERSON v. HANNA.

Statute of Limitations—Lands—Heirs-at-law—Tenant by the courtesy—Redemption judgment—Mortgage—Power of sale.

Held, that the Statute of Limitations in respect to the recovery of lands does not begin to run against heirs-at-law during the life of the tenant by the courtesy, even though the right of the latter to recover the lands may have become barred by the statute.

Proper judgment where, in such circumstances, the heirs-at-law take proceedings for redemption of the lands during the life of the tenant for life.

Wigle v. Merrick, 8 C.P., 307, and *Re Gilchrist and Island*, 11 O.R., 537, followed.

J. H. Ferguson and *O'Brian* for the plaintiffs.
Reeve, Q.C., and *Mills* for the defendants
Hanna and *Kerr*.

Ross for the defendant *Fitch* and the *Western Canada Loan and Savings Company*.

Div'l Ct.]

[March 1.
LEESON v. THE BOARD OF LICENSE COMMISSIONERS OF THE COUNTY OF
DUFFERIN *et al.*

License commissioners—Mandamus—Notice of action—R.S.O., c. 194.

Held (affirming *FALCONBRIDGE, J.*), that a mandamus to compel the defendants to issue a license to the plaintiff would not be granted where the retiring commissioners had not com-