

C. L. Ch.]

NOTES OF CASES.

[Chan. Ch.]

REGINA v. CAMPBELL.

Hagarty, C. J.]

[May 6.]

Liquor license—Married woman.

A married woman was lessee of certain premises in which her husband sold liquor without a license, contrary to the provisions of R. S. O., ch. 181. *Held*, that she was liable to be fined under sec. 83 of the Act, although the sale of the liquor took place in her absence.

Blackstock, for defendant.*Fenton*, contra.

CHANCERY CHAMBERS.

Mr. Holmsted.]

[Feb. 14.]

Proudfoot, V.C.]

[Mar. 3.]

RE GOFF.

Statute of Limitations—Possession for infant.

McC., a spinster, made her will in 1862, devising certain land to trustees in trust for G. an infant. McC. then married, and in 1864 was with her husband drowned at sea.

At the time of her death, the property in question was subject to a lease having two years to run. The tenants attorned and paid rent to the trustees under the will, and on the expiring of the lease continued in possession, paying rent first to trustees, and then to G. the infant, after she came of age.

G. in 1879, filed a petition under the Quieting Titles Act, and one, Hunter, appeared in the course of these proceedings, and claimed the land as heir-at-law of McC.

THE REFEREE OF TITLES *held* that G. had acquired a good possessory title.

On appeal, PROUDFOOT, V.C., affirmed the Referee's ruling.

Spragge, C.]

[April 7.]

SIVEWRIGHT v. SIVEWRIGHT.

Examination—Presence of parties.

Two defendants were being examined after answer before the Master at Chatham, and the Master, at the request of their solicitor, directed two other defendants who were present on behalf of the plaintiff to

withdraw, but they refused. The Master thereupon refused to proceed with the examination.

SPRAGGE, C., *held*, that the Master should have allowed one defendant to be present on behalf of the plaintiff, but by analogy to R. S. O. cap 50, sec. 260, might require such defendant to be first examined himself.

Spragge, C.]

[April 16.]

RE KINGSLAND.

Mortgage—Surplus after Sale—Proof of Title by claimant of—Costs.

When mortgagees had a surplus in their hands after a sale under their mortgage, and S. claimed it, but failed to give sufficient proof of his title thereto, and the mortgagees paid the money into court, see *ante*, page 85.

S. then applied to have the surplus paid out to him.

Order made directing surplus to be paid out to S., after deducting mortgagees' costs of paying in, and of this application.

Proudfoot, V. C.]

[May 28.]

WILLIAMS v. CORBY.

Striking out interrogatories as impertinent—Jurisdiction of Referee.

The Referee made an order striking out interrogatories to be administered to a witness under a commission to the State of Ohio for impertinence.

This was appealed from on the ground that the Referee had no power to make the order.

PROUDFOOT, V.C.—A witness can always protect himself from answering impertinent questions by demurring, and that, I think, is the only way of taking advantage of impertinence.

W. Cassels for appeal.*Hoyles*, contra.

Appeal allowed with costs.