

SPECIAL PERFORMANCE.—*Continued.*

rescission; if title good at time of filing bill, plaintiff's costs to be added to purchase money. *Nixon v. Logie* 366

— *See Vendor and purchaser.*

— OF COVENANT TO PAY MONEY. *See Quia Timet.*

STATUTES. CONSTRUCTION OF. *See Mechanics' lien.*

— DISALLOWANCE. *See Injunction.*

TAXATION.—*Costs of supplementary material on motion—Counsel fees.—Brief.*—1. Where the material upon which a party is moving is defective, and he is allowed to amend or supply what is wanting he cannot tax the costs of doing so. 2. The discretion of the taxing officer as to the amount of counsel fees not interfered with. 3. A second term brief allowed at the amount for which a second copy of the evidence could have been got from the short-hand writer. 4. Where the defendant succeeds on part of the issues, but the plaintiff obtains a verdict, the defendant is entitled only to such costs as are exclusively applicable to the issues on which he succeeds. *Morris v. Armit* . . . 307

TAXES.—*Distress for.—Demand.—Pleading.*—The defendant's treasurer served a demand for payment of taxes, upon the plaintiff, in the form set out. A portion of the total amount demanded was not properly chargeable; but one of the items, viz., the taxes for 1884, was legally due, and appeared separately and clearly specified. *Held*, 1. That there was no sufficient demand, even for the 1884 taxes. 2. If the demand could have been sustained, a seizure and sale for the whole amount would have given the plaintiff an action for excessive seizure and sale only. 3. Justification for trespass, in such a case, must be pleaded. *Foote v. Municipality of Blanchard* 460

TAX SALE.—*Advertisement.—Injunction.*—Lands were advertised for sale for taxes in two numbers of the Gazette, but those numbers although dated upon certain days did not in fact issue until later dates, dates too late to comply with the statute. Upon a motion for an injunction to stay the sale, *Held*, 1. That the statute was not sufficiently complied with, but 2. That insufficient advertising would not, under the present statutes, render the sale void, and that therefore no injunction to stay it should be granted. *Wood v. Birtle* 415

TRESPASS, JUSTIFICATION. *See Chattel Mortgage.*

— SEIZURE BY SHERIFF.—*Wrongful seizure by sheriff.*

—*No interference with goods.—Damage.—Instructions by Attorney.*—

Power of.—Under an execution against B. the sheriff seized goods claimed by the plaintiff. The sheriff did not touch the goods or leave any one in possession, but merely took a list of them, told the plaintiff not to remove them, and took an undertaking from the plaintiff that he would not remove them. The sheriff interpleaded and the execution creditors abandoned. The sheriff then (three or four weeks after the seizure,) gave notice of abandonment to the plaintiff. *Held*, 1. That there was no trespass for which an action would lie. *Wallbridge v. Hall. Wallbridge v. Yeomans* 341