

THE COURT (MEREDITH, C.J., MACMAHON, J., TEETZEL, J.) held that a demand and refusal on the 27th November, 1902, were not proved. Also that, had the action been for the conversion of plaintiff's property, there was nothing shewn from which the inference that there had been a conversion could properly be drawn, but the proper inference from these facts and circumstances was that there had not been any conversion before action. The action not being for conversion, but for detention, it was open to question whether the rule of evidence referred to was applicable. See *Isaac v. Clark*, Bulstrode 308; *Clements v. Flight*, 16 M. & W. at pp. 46, 47, 50; *Jones v. Dowle*, 9 M. & W. 19; *Needham v. Rawbone*, 6 Q. B. 771 n.; *Wilkinson v. Verity*, L. R. 6 C. P. 206.

Appeal allowed and action dismissed. No costs of appeal or of action. Issue as to ownership of property to be found in favour of plaintiff.

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MEREDITH, J.

DECEMBER 18TH, 1903.

CHAMBERS.

WILLIAMS v. HARRISON.

*Writ of Summons—Renewal after Expiry—Statute of Limitations—Setting aside ex Parte Order—Material Evidence Withheld.*

Appeal by plaintiff from order of Master in Chambers (ante 1061) setting aside order of a local Judge for renewal of a writ of summons after the time for service had expired, and the Statute of Limitations had run in defendants' favour.

C. A. Moss, for plaintiff.

T. P. Galt, for defendant Joseph Harrison.

MEREDITH, J., dismissed the appeal with costs.

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MEREDITH, J.

DECEMBER 18TH, 1903.

CHAMBERS.

RE PEINE v. HAMMOND.

*Prohibition—Division Court—Verification of Documents—Affidavit of Defendant—Acknowledgments Given for Liquors Drunk in a Tavern—Discrediting Affidavit—Findings of Judge in Inferior Court.*

Motion by defendant for prohibition to the 1st Division Court in the county of Middlesex, on the grounds that there