

STREET, J.]

ROSS *v.* ROSS.*Jurisdiction—Ontario courts—Title to land outside of Ontario.*

The courts in this Province have no jurisdiction to entertain actions for determining the title to lands in the Province of Manitoba, even though the parties be resident herein.

R. M. McKay for the plaintiff.

J. Hoskin, Q.C., for the defendants.

ARMOUR, C.J.]

[Jan. 19.

CORPORATION OF GEORGETOWN *v.* STIMSON.*Municipal corporation—By-law—Payable by instalments based on aggregate debenture debt—Variation in different years—Registration—Effect of.*

A by-law passed under the Municipal Act, R.S.O., c. 184, was made payable by instalments, but in settling the amount payable in each year the total existing debenture debt was estimated; and although the aggregate annual amount payable under all the by-laws was appropriately equal to that payable in other years, there was a very large variance in the amounts payable in the different years under the present by-law. The by-law was duly registered under s. 351, and notice published under s. 354, and no application made to quash within three months after the said registry.

Held, that the by-law and debentures issued thereunder were valid, and binding on the municipality.

W. Laidlaw, Q.C., for the plaintiff.

W. R. Meredith, Q.C., for the defendants.

Practice.

BOYD, C.]

[Jan. 9.

PLUMMER *v.* COLDWELL.*Costs—Scale of—Action to compel delivery up of promissory note for \$230—Note wrongfully held by defendants—Action of tort.*

In an action brought in the High Court to restrain the defendants by injunction from negotiating a promissory note for \$230, and to compel them to deliver it up to the plaintiff, or for damages for its detention, it was determined that the note was wrongfully held by the defendants, who had obtained it under the pretence of discounting it, but really with the view of making it the subject of garnishment.

Held, that the action sounded in tort and not in contract, and could not have been brought in a County Court; and the successful plaintiff was therefore entitled to tax his costs on the High Court scale.

Johnson v. Kenyon, 13 P.R. 24, distinguished.

Robb v. Murray, 16 A.R. 502, followed.

H. T. Beck for the plaintiff.

W. R. Riddell for the defendant Millar.