

DIGEST OF ENGLISH REPORTS—JUDGMENTS.

tively small sum, will help to keep them up; and, indeed being old favourites, we should be sorry to miss them, though indeed as to one of them, the *Jurist*, it appears that it is intended to discontinue it shortly.

A new era in law reporting may be said to date from the commencement of the publication of the reports first mentioned, which may now be said to be the "orthodox" reports. This being the case, and the new series being in a permanent and complete form, and the reports which will be most generally referred to by judges and counsel, and desiring as far as possible to give such of our readers as do not feel justified in going to the expense of subscribing for them, the benefit to be derived from a knowledge of what they contain, we contemplate commencing with our next issue a digest of all the cases that have since their commencement appeared, and will hereafter from time to time appear in them, affecting or bearing upon the laws of Upper Canada. It is, we think, unnecessary to publish all the cases, as they would take up too much room without any compensating advantage, but a full and judicious selection will be made, leaving out nothing but cases referring to statutes, or to law not in force in this country.

It will take some numbers to bring up the cases of last year, after which the new cases will be given with promptness and regularity, and under such heads as the number and variety of the decisions may render advisable. In addition to this it is proposed to give at the end of each year a full index of the matter contained in the digest.

We are led to think that this digest, and index in connection with it, will be of great service to all, and particularly to country practitioners; and we trust that the time and labour it will involve will be appreciated, and that the enterprise will command an increased measure of support from the profession.

The first number of the Practice Court and Chambers' Reports under the new arrangement is, we understand, in course of preparation by Mr. O'Brien, and will be issued as soon as a sufficient number of decisions are collected. They will in the meantime, so as to give the profession as early notice of them as possible, appear in the *Law Journal*, and of necessity, as a general thing, before they can be published in the new form.

JUDGMENTS—MICH. TERM, 1866.

QUEEN'S BENCH.

Present — DRAPER, C. J.; HAGARTY, J.; MORRISON, J.

Monday, December 17, 1866.

Magrath v. Todd. — Held, that a defect in an affidavit of the execution of a discharge of mortgage which the registrar overlooked, not being an objection patent on the face of the document as registered, was no objection to the registry. (*Robson v. Waddell* distinguished) *He'd also*, that defendant being mortgagee of the term which he since foreclosed was bound by the covenant to pay rent contained in the original lease. Postea to plaintiff.

Lyster v. Ramage. — Postea to plaintiff for an undivided two-thirds of the land sought to be recovered. Leave to appeal granted to defendant in this case and *Lyster v. Kirkpatrick*.

Waddell v. Corbett. — Rule discharged.

Carrick v. Johnston. — Judgment for defendant on demurrer to plea.

Griffith v. Hall. — Judgment for plaintiff on demurrer, with leave to amend on payment of costs.

In re Scott and the Corporation of the County of Peterborough. — Held that the 'Surveyors' Act does not extend to the re-survey of a whole township, but only certain concessions therein. Rule absolute to quash by-law, with costs.

The Corporation of the County of Peterborough v. the Corporation of the Township of Smith. — Judgment for defendants on demurrer. Count held bad and plea held good.

Williamson v. the Gore District Mutual Fire Insurance Co. — Rule discharged, with costs.

Golding v. Belknap. — Judgment for plaintiff on demurrer.

Wilson v. Biggar. — Judgment for defendant on demurrer, with leave to apply to a Judge in Chambers, on affidavit, to amend.

May v. Baskerville. — Upon defendant undertaking to let plaintiff have wood on the wharf, rule to be discharged, otherwise rule absolute for new trial, costs to abide the event.

In re Lovelock v. Podger. — Appeal from the County Court of the County of Victoria allowed, and rule in court below discharged.

Milton v. Duck. — Rule discharged, with leave to appeal.

Langway v. the Corporation of the Township of Logan. — Appeal allowed.

Ryan v. Devereux. — Rule absolute for new trial. Costs to abide the event.

Davis v. Barnett. — Judgment for defendant on demurrer to the first and second counts.

The Queen v. Esmonde. — Judgment for the Crown.

In re Kinghorn v. the Corporation of the City of Kingston. — Rule absolute to quash by-law, with costs.

Smith v. Armstrong. — Rule nisi discharged.

The Queen v. Hishon. — Conviction quashed.