

merged in the fee under 18962. No explanation was addressed to me so that this is a mere surmise suggested by the abstract. As to registration numbers 4002 and 18124 the vendor's answer (to 3 and 8) seems to be sufficient. Requisition number 9 was not spoken of at all, but if it has not been disposed of I think the vendor's answer as to this should be verified. Counsel for purchaser said he had not seen the declaration as to number 5. I have not seen it and so cannot make a declaration as to it. All questions as to the other requisitions except as to the possible title of Alexander Christie, had been satisfactorily met. Having regard to the length of time which has elapsed, the character of the property, and the nature of the occupation, I think requisition number 2 is sufficiently answered and the title should be accepted as to this. I do not detect anything vague or indefinite in Lamb's affidavit. I read the 4th paragraph of the vendor's affidavit as saying that he purchased "on the 30th day of December, A.D. 1913," with Shaver. This does not shew what this date should be. This affidavit should be amended and when the title is accepted and the transaction about to be closed, the purchaser will be at liberty to take the affidavits off the files—giving a receipt therefor—as vouchers for his title.

The vendor will pay the costs of this application.

HON. MR. JUSTICE MIDDLETON, IN CHR. JAN. 14TH, 1914.

RE NORTHERN HARDWOOD LUMBER CO. &
SHIELDS.

5 O W. N. 757.

Division Courts—Trial in County of Plaintiffs' Residence—Lack of Jurisdiction—Notice Disputing — Failure to Appear at Trial—Judgment and Execution—Motion for Prohibition—Good Defence Shewn by Material—Order Made—Costs.

MIDDLETON, J., held, that where an action was brought in a Division Court which had not jurisdiction and defendants, while filing a notice disputing the jurisdiction did not attend the trial, a judgment being given against them, that an order for prohibition should be granted as the dependants had disclosed in their affidavits a good *prima facie* defence to the action on the merits.

Canadian Oil Cos. v. McConnell, 27 O. L. R. 549, distinguished.

Motion for prohibition to the first Division Court of the County of Grey. Argued 9th January, 1914.