

Prac. Cases.]

NOTES OF CANADIAN CASES—GENERAL ORDER.

Mr. Dalton, Q.C.]

[Feb. 2]

BRADLEY V. CLARKE.

Replevin—Third party—Rule 107, 108, O. J. A.

An action of replevin. The defendant gave notice, according to Form 18, Appendix B. O. J. A., and pursuant to Rules 107 and 108, to a third party claiming to be indemnified on a warranty.

On a motion by the defendant for a direction as to mode of procedure, and as to the extent to which the third party should be bound,

Held, that Rules 107 and 108 O. J. A., applied to actions of replevin.

Holman, for defendant.

Aylesworth, contra.

Mr. Dalton, Q.C.]

[Feb. 12.]

JOHNSON V. OLIVER.

Ejectment—Striking out name of joint defendant.

This was an action for the recovery of land, and for mesne profits, brought against one Oliver, who was tenant of the premises under a lease from one Ross, who resides in Scotland. Ross had obtained an order allowing him to defend with Oliver. Oliver remained in possession under the lease for two months after service of the writ upon him, and during that time paid the rent to Ross. He then went out of possession, his lease having expired, and made this motion to have his name struck out of the writ and all subsequent proceedings.

Motion discharged with costs.

Shepley, for the plaintiff.

Clement, for defendant Oliver.

Arnoldi, for defendant Ross (the landlord).

Osler, J.]

Jan. 16.

VOTERS' LISTS OF THE VILLAGE OF L'ORIGINAL.

Voters' list—R. S. O. ch. 9.

The assessment roll of a municipality was finally revised and corrected by the Court of Revision, on the 31st May, 1882. The Clerk of the municipality prepared the voters' list therefrom, and on 7th Sep., 1882, posted a copy thereof in his office as required by sec. 3 R. S. O. ch. 9. He did not transmit copies of the list to all the persons entitled to receive them under

ss. 3 and 4. No complaints having been received by him up to 30th October, he on that day signed the certificate and report mentioned in sec. 11 of the Act, and obtained the certificate of the deputy judge of the County Court on three copies of the last as being the revised list of voters for the municipality.

The judge of the County Court set aside the clerk's certificate, and the certificate of the deputy judge.

On a motion for a writ of prohibition, Osler, J.,

Held, that as soon as the list is posted up in the clerk's office, the time for making complaints in respect of it begins to run, and that time being by sec. 9 expressly limited to thirty days from the posting up of the list, and no complaint having been made within it, that the deputy judge was bound to certify.

That the duty of transmitting or delivering the printed copies of the list to the parties entitled to receive them, is prescribed in general terms without reference to date, and consequently the omission to transmit such copies to certain of the persons entitled to them, though done with intent, was not a valid ground for cancelling the revised list.

Prohibition granted.

Rose, Q.C., for the motion.

Shepley, contra.

GENERAL ORDER.

The following order has been issued, dated February 5, 1883:—

"Except during vacations, and excepting Sundays, Christmas Day, Good Friday, New Year's Day, the birthday of the Sovereign, and any day appointed by general proclamation for a general fast or thanksgiving, the offices of the Court shall be kept open from 10 a.m. to 4 p.m. During the sitting of the Divisional Courts, and at other times, from 10 a.m. to 3 p.m."

WANTED.

April numbers of "Upper Canada Law Journal" for the year 1856 (Vol. II. O.S.), for which \$1 each will be paid. Direct to Proprietors CANADA LAW JOURNAL, 68 Church Street, Toronto.