

Dartnell, Co. J. Whitby.] [Chy. Div.
RE WOON, WOON v. WOON.

Practice—Sale—Vendor tendering—Right to withdraw tender.

A plaintiff having conduct of the proceedings, is precluded from tendering for the lands affected by the judgment to the same extent and for the same reasons that prohibits his bidding at a sale of the same lands by auction.

A person tendering for lands to be sold at a judicial sale can withdraw his tender at any time before acceptance.

I refer to *Re Follis, Kilbourn v. Cultis* 6 P.R. 160, *O'Connor v. Woodward* 6 P.R. 223, *Crawford v. Boyd* 6 P.R. 278, *Dickey v. Heron* 1 chy. ch. 149, *McRoberts v. Durie* 1 chy. ch. 211, *McDonald v. Gordon*. 2 chy. ch. 125.

DIVISION COURTS.

DARTNELL, Co. J., Whitby.]

COLTON v. SCHELL.

Garnishee practice—Authority of solicitors to consent.

There is no practice or rule which will authorize the ignoring of an order by consent of solicitors or agents, without disclosing the facts upon which such order is asked for. Such authority to consent is confined to the time or hearing of any cause, matter or proceeding.

MUNICIPAL CASES.

DARTNELL, Co. J.] [Whitby, Jan. 11.
In re THE DITCHES AND WATERCOURSES ACT.
Furness, appellant.

Gilchrist, respondent.
Ditches and watercourses act—Inequitable and irregular award—duty of clerk and engineer—Alternative route—Amending award.

The failure of agreement is a condition precedent to taking action under the Act.

It is the duty of the clerk and engineer to examine and satisfy themselves before acting that the requirements of the Act have been strictly complied with.

The engineer is not obliged to adopt the route or course of the drain asked for, but

can deviate therefrom or lay out a different or alternative route, and may notify such persons as may be interested or affected by such new route, and the persons so added will be covered by the award as if originally notified.

An award founded upon proceedings wholly irregular cannot be amended.

Appointments to Office.

SHERIFF.

Welland.

James Smith, of Willoughby, to be Sheriff of the County of Welland, *vice* George J. Duncan, deceased.

REGISTRARS OF DEEDS.

Elgin.

J. H. Coyne, of St. Thomas, to be Registrar of Deeds for the County of Elgin, *vice* A. McLachlin, deceased.

Northumberland.

A. E. Mallory, of Warkworth, to be Registrar of Deeds for the East Riding of Northumberland, *vice* J. M. Grover, deceased.

CORONERS.

Wellington.

S. M. Henry, M.D., of Harriston, to be an associate Coroner for the County of Wellington.

Kent.

P. N. Davey, M.D., of Duart, to be an associate Coroner for the County of Kent, *vice* A. Decon, M.D., left the county.

DIVISION COURT CLERKS.

Huron.

Charles Seager, of Goderich, to be Clerk of the First Division Court of the County of Huron, *vice* J. S. McDougall, deceased.

BAILIFFS.

Prescott and Russell.

Docitte Lavergne, of Cumberland, to be Bailiff of the Fifth Division Court of the united Counties of Prescott and Russell.

Wentworth.

H. A. Combs, of Saltfleet, to be Bailiff of the Fifth Division Court of the County of Wentworth, *vice* S. S. Springstead, deceased.

Carlton.

William Falls, of Huntley, to be Bailiff of the Third Division Court of the County of Carleton, *vice* John Reilley, resigned.