Wilson, C. J.] [Nov. 17

RE GARLAND V. OMNIUM SECURITIES CO.

Prohibition—Division Court—Cause of action.

Motion for prohibition to a Division Court of the County of Carleton. The plaintiff lived in Ottawa, and the defendant corporation had its head office at Hamilton. The plaintiff made a mortgage to the defendants, and a dispute arising between the plaintiff and the defendants as to the amount of interest to be paid thereon, the defendants claimed the full interest according to the mortgage, and desired the plaintiff to remit it by mail to their office at Hamilton, which the plaintiff refused to do. The defendants then began proceedings under the power of sale contained in their mortgage, and also an action for the recovery of the land, whereupon the plaintiff paid the money to his solicitors in Ottawa, and the latter sent it under protest to the defendant's solicitors in Hamilton, who in turn paid it to the defendants in Hamilton. This action is brought in the Division Court in Ottawa for the recovery of the money so paid under protest.

Held, that when the plaintiff made the payment by reason of the action against him, the defendants' former direction to pay by deposit of the money in the Ottawa P. O. was superseded; and that the payment having been made by the plaintiff in Hamilton, the whole cause of action did not therefore arise at Ottawa.

Writ of prohibition granted with costs.

Mr. Dalton, Q. C.] [Nov. 23.

PARIS MANUFACTURING CO. V. WALLS.

Interpleader—Sale of goods before application.

The sheriff having seized goods, which were claimed by a third party, of much greater value than the amount of plaintiff's execution, received from the claimant the amount due on the execution in cash, and withdrew from the seizure.

Held, that the sheriff did not thereby disentitle himself to relief by interpleader.

Aylesworth, for the sheriff.

Watson, for the execution creditors.

John R. Kerr, for the claimant.

BOOK REVIEW.

THE LAW AND PRACTICE OF DISCOVERY IN THE SUPREME COURT OF JUSTICE, with an Appendix of Forms, Orders, etc. By Clarence John Peile, of the Inner Temple, Barrister-at-Law. London: Stevens & Haynes.

We have received the above work, and after examination, are inclined to agree with the learned author in his opinion expressed in the preface, that there is nothing in that "other work upon the same subject" which has recently appeared, to render his own unnecessary. We presume by the "other work" is meant the second edition of "Hare on Discovery." "Hare on Discovery" appears to us to deal with what may be termed the Practice relating to Discovery, at a somewhat disproportionate length as compared with his treatment of the Law of Discovery. In Mr. Peile's work on the other hand, the Law of Discovery is dealt with very fully, and appears to be presented in a very lucid and readable shape. We therefore welcome the work as likely to be more useful than "Hare" in this country, where, though the Law of Discovery is the same, the machinery for obtaining Discovery is somewhat different and of a simpler kind.

FLOTSAM AND JETSAM.

A legal gentleman met a brother lawyer on Court street one day last week, and the following conversation took place:—"Well, judge, how is business?" "Dull, dull; I am living on faith and hope." "Very good; but I have got past you, for I am living on charity."—*Central Law Journal.*

The lot of the Russian counsel is not a happy one, if the *Petersburger Herald* is really correct in a report of a case—for the truth of which it specially pledges its credit. It appears that a Russian peasant in a southern village was accused of theft, and keeping himself out of the way, sent an advocate to conduct his case—a proceeding peculiar to Russia. The magistrate heard the pleading, found the absent culprit guilty, and sentenced him to a flogging. On hearing that the criminal was *non est inventus*, he decreed that the advocate should receive the flogging, observing that the man who had the audacity to defend a rascal deserved to smart. The flogging was, we are told, actually inflicted, and the above named journal vouches for the absolute reality of the whole story.—*Pump Court.*