

ARMOUR, C.J., STREET, J., }
FALCONBRIDGE, J.

[April 7.]

CANTELON v. THOMPSON ET AL.

County Court—Appeal to High Court from order for new trial—Law Courts Act, 1895—58 Vict., c. 13, s. 44, O.

Under s. 44, sub-sec. 4, of the Law Courts Act of 1895, 58 Vict., c. 13, O., where a party in a County Court action has moved for a new trial, the opposite party may appeal from the order directing the new trial to a Divisional Court of the High Court of Justice.

Armour, Q.C., for the plaintiff.

Shepley, Q.C., for the defendants.

STREET, J.]

[April 10.]

QUINN v. CORPORATION OF ORILLIA.

Municipal corporations—Fire limits—Erection of buildings within—By-law therefor—Validity—Con. Mun. Act, 1892, s. 496, sub-sec. 10.

Sub-sec. 10 of s. 496, Con. Mun. Act, 1892, which empowers the corporation of a city, town or village to pass by-laws "for regulating the repair or alteration of roofs or external walls of existing buildings" within the fire limits, "so that the said buildings may be more nearly fire proof," does not empower the council to pass a by-law requiring "all buildings damaged by fire, if rebuilt or partially rebuilt," to be made fire proof, at the peril of such building being removed at the expense of the owner.

Pepler, Q.C., for the plaintiff.

McCosh, for the defendant.

Mr. Cartwright, }
Official Referee. }

[April 21.]

JOHNSON v. STAFFORD.

Statement of claim—Particulars—Amendment—Suing as trustee.

Where by his statement of claim, the plaintiff sues as trustee for A. B. "and others," upon motion by defendant he was ordered to amend his statement of claim by striking out the words "and others," or else to give particulars to defendant of such "others" within one week.

W. M. Douglas, for defendant.

Biggs, Q.C., for plaintiff.

STREET, J.]

[May 3.]

THE QUEEN EX REL. JOANISSE v. MASON.

Municipal election—Property qualification—"Actual occupation"—Occupancy of partnership—Con. Mun. Act, 1892, s. 73.

Appeal from order of Mr. Cartwright dismissing a motion by way of quo warranto to unseat the respondent elected to the County Council of the County of Carleton.

Held, that "actual occupation" in s. 73 of the Municipal Act of 1892, 55 Vict., c. 42, O., which provides with regard to the property qualification of