

SUMMARY CONVICTION.

See CRIMINAL CODE, 4.

SUMMARY JUDGMENT.

Leave to defend—Application to sign judgment—Promissory note—Delivery of note in fraud of maker — Holder in due course.—On application to sign final judgment in an action on a promissory note by the indorsee against the maker, defendant filed an affidavit stating that the note had been handed by him to one L. to hold in escrow until the settlement of certain accounts between him and the payee, and that it had been delivered over to the payee without his consent.

Held, that, under The Bills of Exchange Act, 1890, s. 30, s-s. 2, defendant was entitled to defend without showing that plaintiff was not a holder in due course.

Fuller v. Alexander, (1882) 52 L. J. Q. B. 103, and *Millard v. Baddeley*, W. N. (1884), 96 followed. *Flour City Bank v. Connery* 305

SUMMARY TRIAL.

See CRIMINAL CODE, 4.

SUPREME COURT ORDER.

See PRACTICE, 4.

TAX SALES.

1. *Expropriation Act*, R. S. M., c. 56 — *Assessment Act*, R. S. M., c. 101, s. 168.] — Under section 168 of The Assessment Act, R. S. M., c. 101, a tax purchaser bidding more for the land than the amount due for taxes and costs forfeits all claim to the land purchased and to the money paid at the time of sale, unless he pays the balance of his purchase money within two months after the expiration of the time allowed the owner for redemption; and it makes no difference if in the meantime the land is taken by the Provincial Government for a public work under The Expropriation Act, R. S. M., c. 56, and the value thereof paid into court.

In such a case, notwithstanding the consent of the solicitor of the Public Works department,

Held, that the tax purchaser had no right or claim upon the money paid into court by the Government. *Re Dunn and The Expropriation Act* 78

2. *Assessment Act*, R. S. M., c. 101, ss. 148, 190, 191 — 51 *Vic.*, c. 36, ss. 6 and 7.]—Issue under The Real Property Act between plaintiff claiming under a tax sale deed and defendant the owner subject to the tax sale.

Held, that the tax sale should be set aside on the following grounds:—

(1) No resolution of the council of the municipality was passed as required by The Assessment Act, R. S. M., c. 101,