

The particular defects in the pleading which the defendant's counsel relied upon were that it was not stated that it was by the said decree that J. C. S. was ordered to pay the money, and there was no allegation that the decree of which the certificate was registered was a decree ordering money to be paid, nor was it stated that the certificate of the decree referred to was signed by the registrar under the seal of the court, and it was not shown that the certificate included the other matters which the statute provides for.

*Held*, that there was no sufficient allegation of the registration of any certificate sufficient to create a lien and charge on the lands of J. C. S. under said section, and that the demurrer must be allowed with costs.

Plaintiff's counsel contended that notwithstanding the insufficient allegations of a lien or charge the bill made a sufficient case for setting aside the deeds as fraudulent; but as it was not filed on behalf of the plaintiffs and all other creditors, this contention was held untenable.

*Reese River Mining Co. v. Atwell*, L.R. 7 Eq. 347, and *Longway v. Mitchell*, 17 Gr. 190, explained.

Judgment of DUBUC, J., reversed, and demurrer allowed with costs.

*Howell*, Q.C., and *Huggard* for the plaintiffs.

*Tupper*, Q.C., and *Phippen* for the defendant.

BAIN, J.]

IN RE CUDDY.

[May 14.

*Mandamus—Production of books of municipality—Copies of documents.*

This was an application for a mandamus to compel the clerk of the municipality of Macdonald to allow the applicant to inspect the minutes of the meetings of the council, and to furnish the applicant with certified copies of the resolutions he asked for on payment of the proper fee. The defendant excused himself for refusing the demand made upon him on the ground that the reeve of the municipality had taken the books away to Winnipeg for use in certain litigation, and that he could not get the papers or books so as to comply with the demand.

*Held*, that it is the duty of the clerk, under the Municipal Act, to keep the books and records of the municipality and of the council in his office, or in the place appointed by the council, and neither the reeve nor any other person has any authority to take any of these books or papers out of the custody of the clerk.

Rule absolute for a mandamus.

*Howell*, Q.C., and *Haney* for the applicant.

*Hagel*, Q.C., and *Thompson* for Cuddy.

BAIN, J.]

LAW v. NEARY.

[May 14.

*Summary judgment—Leave to defend—Payment into court.*

This was an appeal from the order of the Referee, giving the defendant leave to defend on condition that he should pay into court \$613.80 within a