

## LAMOTT v. PARKES.

*Estate tail—Conveyance by tenant in tail—Bar of entail.*

Lands were granted to trustees upon trust for M.A.L. and F.L., her husband, during their joint lives; and after F.L.'s death if M.A.L. survived him, to her and the heirs of her body in fee; and in case M.A.L. died either before or after F.L., to the heirs of her body as tenants in common; and in case M.A.L. died without issue, to her right heirs in fee. M.A.L. died in 1879, F.L. surviving her and being still alive, leaving several children, her eldest son being F.H.L., who conveyed to P., under whom the defendant claimed.

*Held*, that M.A.L. took an estate tail in possession; and the effect of the conveyance to P. was to bar the issue and all remainders, and vest the lands absolutely in P. in fee.

*Moss*, Q.C., for the plaintiff.

*Moncrieff*, Q.C., for the defendant.

## REGINA v. GROVER.

*General Sessions—Order by, to sheriff to abate nuisance—Validity of—Certiorari—Right to issue—Costs.*

The defendant was convicted at the General Sessions on an indictment for a nuisance in obstructing the highway by the erection of a wall thereon, and directed to abate the nuisance. The nuisance not having been abated, the court made an order directing the sheriff to abate same at defendant's costs and charges, and to pay to the County Crown Attorney forthwith after taxation the costs of the application and order, and the sheriff's fees and costs and incidental expenses arising out of the execution of the said order.

*Held*, that the Sessions had no authority to make the said order to the sheriff, the proper mode in such case being a writ *de nocumento amovendo*; that the order being a judicial act was properly removed by certiorari, and must be quashed, but without costs.

Remarks as to the jurisdiction of the Sessions as to the costs.

*DuVernet* for the motion.

*J. M. Clark*, *contra*.

ROSE, J.]

[Nov. 15.]

## ROSEBACK AND CARLYLE.

*Municipal corporations—Court of Revision—Right of counsel to appear before.*

The Court of Revision of a city created under the Municipal Act, R.S.O., c. 184, is not obliged to hear counsel in support of an appeal against an assessment of property under the Assessment Act, 53 Vict., c. 48 (O.), and a mandamus for such purpose was required.

*George Lindsey* for the plaintiff.

*Herbert Mowat*, *contra*.