

*Held*, reversing the judgment of the Chancery Division, 27 O.R. 93, that title had not been acquired as against the father and his devisees.

Per BURTON, and MACLENNAN, JJ.A. The execution and registration of the discharge gave, in any event, a new starting point for the statute.

*Watson*, Q.C., and *L. M. Hayes*, for the appellants.

*E. B. Edwards*, for the respondents.

From Q. B. Div.]

McGUINNESS v. DAFOE.

[June 6.

*Justice of the Peace—Felony—Issue of warrant—Absence of written information—Notice of action.*

A justice of the peace, who, knowing that a sworn information is necessary, issues his warrant for the arrest of a person charged with felony without requiring an information, is liable to trespass.

A notice of action alleging that the defendant on the 8th of September, 1893, wrongfully, illegally, and without reasonable and probable cause, issued his warrant and caused the plaintiff to be arrested and kept under arrest on a charge of arson, and on said 8th of September, maliciously, illegally and wrongfully, and without any reasonable and probable cause, caused the plaintiff to be brought before him, and to be committed for trial, and to be confined in the common gaol, is sufficient.

Judgment of the Queen's Bench Division, 27 O.R. 117, affirmed.

*W. R. Riddell*, and *H. E. Rose*, for the appellant.

*Clute*, Q.C., and *J. A. Macintosh*, for the respondent.

From Ferguson.]

JOHNSTON v. CONSUMERS GAS COMPANY.

[June 6.

*Toronto Gas Company—Reserve fund—Plant renewal fund.*

The judgment of Ferguson, J., (27 O.R. 9), was reversed on the ground that there being no admission in the stated case of any over-payment by the plaintiffs, they had no locus standi.

*McCarthy*, Q.C., *S. H. Blake*, Q.C., and *Miller*, Q.C., for the appellants.

*Robinson*, Q.C., and *J. McGregor*, for the respondents.

From Armour, C.J.]

ROGERS v. TORONTO PUBLIC SCHOOL BOARD.

[June 30.

*Negligence—Unsafe premises—Volunteer.*

A person entering upon premises on the express or implied invitation of the occupant is entitled to assume that they will be in a reasonably safe condition, but one who visits them for his own purpose and without the knowledge of the occupant does so at his own peril.

The superintendent of a coal company, without the knowledge of the defendants, went to a school house to look at the coal-bins in order to decide how he could most conveniently deliver coal ordered by the defendants, and was severely hurt by falling into an unguarded hole in the cellar.