

DIARY FOR OCTOBER.

1. Wed.....County Court Non-Jury Sittings except in York. William D. Powell, 5th C.J. of Q. B., 1816.
2. Sun.....18th Sunday after Trinity.
3. Mon.....County Court Sittings for Motions, except in York.
7. Tues.....Henry Alcock, 3rd C.J. of Q.B., 1802. R. A. Harrison, 11th C.J. of Q.B., 1875.
9. Wed.....Sir W. B. Richards, C.J. Sup. Ct., 1875.
11. Sat.....County Court Sittings for Motions, except in York, end. Columbus discovered America 1492.
12. Sun.....19th Sunday after Trinity. Battle of Queenston, 1812.
13. Mon.....County Court Sittings for Motions in York begin. Sur. Ct. Sittings
14. Wed.....English law introduced into Upper Canada, 1791.
15. Sat.....St. Luke. County Court Sittings for Motions in York end.
19. Sun.....20th Sunday after Trinity.
20. Mon.....County Court Non-Jury Sittings in York. Last day for Law Society notices.
21. Tues.....Battle of Trafalgar, 1805.
22. Wed.....Supreme Court of Canada sits.
23. Thur.....Lord Lansdowne, Governor-General, 1868.
24. Fri.....Sir J. H. Craig, Governor-General, 1807.
25. Sun.....21st Sunday after Trinity.
27. Mon.....Hon. C. S. Patterson, app. Judge of Sup. Ct., 1888. Jas. Maclellan, app. Judge of Ct. of Appeal, 1888.
28. Tues.....Supreme Courts sits. St. Simon and St. Jude.
29. Wed.....Battle of Fort Erie, 1813.
31. Fri.....All Hallows' Eve.

Early Notes of Canadian Cases.

SUPREME COURT OF JUDICATURE
FOR ONTARIO.

HIGH COURT OF JUSTICE.

Queen's Bench Division.

STREET, J.]

[Aug 29.]

IN RE MITCHELL v. SCRIBNER.

Prohibition—Division Court—Order of Judge setting aside attachment—R.S.O., c. 51, s. 262.

Power over the process of his own court is inherent in the judge of a Division Court as well as of other courts; and, notwithstanding the provisions of s. 262 of the Division Courts Act, R.S.O., c. 51, a judge may set aside an attachment which has been improperly issued.

Douglas Armour for plaintiff.

Swabey for defendants.

Chancery Division.

FERGUSON, J.]

[Sept. 4.]

ATTORNEY-GENERAL FOR CANADA v. CITY OF TORONTO.

*Municipal Corporations—By-law as to payment of water-rates—Discount to consumers—Ex-**ception as to Government institutions—Taxes—Discrimination.*

A by-law of the defendants relating to the payment of rates for water supplied by the defendants to buildings in the municipality, provided that the rates should be subject to a reduction of fifty per cent., if paid within a certain time, "save and except in the cases of Government and other institutions which are exempt from city taxes, in which cases the said provisions as to discount shall not apply."

Held, that the post-office, customs-house, and other buildings vested in the Crown, all of which are exempt from city taxes, were "Government institutions" within the meaning of the by-law.

(2) Having regard to 35 Vict., c. 79, s. 12 (O.); 41 Vict., c. 41, s. 3 (O.); R.S.O., c. 192, ss. 19, 28, that the moneys charged and paid as water-rates, or rent for water, were not taxes, but the price or prices paid for water upon a sale thereof to the consumers.

(3) That the by-law was not invalid as discriminating against the Crown.

James Reeve, Q.C., and Wickham, for the plaintiff.

C. R. W. Biggar, Q.C., for the defendants.

MacMahon, J.]

[July 21.]

TOWN OF MEAFORD v. LANG.

Principal and surety—Non-disclosure by creditor—Official bond—Release of surety.

Where in an action brought against sureties to a tax-collector's bond, the said bonds being for the due payment over of taxes collected in 1886 and 1887, it appeared that the plaintiff's corporation, though they knew that the collector had, for some years, a loose way of doing his business, and was dilatory in making his returns, yet had not had it brought home to them that he was actually dishonest, and that they had not informed the defendants, when obtaining the execution of the bonds by the latter, of their causes of complaint against the collector; but it did not appear that they had dealt fraudulently with the defendants:

Held, that the non-disclosure by the plaintiffs to the defendants of the past conduct of the collector, did not relieve the defendants from their obligation under the bonds.

Cassels, Q.C., for the plaintiffs.

Kerr, Q.C., for the defendants.