sel through the canal on Sunday in obedience to the orders of his superior was quashed.

H. J. Scott, for the defendant.

J. R. Cartwright, for the Crown.

McClive, for the private prosecutor.

IN RE CLARKE V. MCDONALD.

Division Courts Act—Garnishee proceedings—Notice disputing jurisdiction filed too late—Prohibition—High Court procedure.

Held, affirming the judgment of Armour, J., that where a garnishee does not file a notice disputing the jurisdiction of a Division Court within the time required by 43 Vic., ch. 8, sec. 14, though no objection can be taken to the jurisdiction of the Division Court in that Court, the jurisdiction of the H. C. J. to prohibit the proceedings is not ousted.

The garnishees, though partners, resided in different places, out of the jurisdiction of the Division Court, and but one of them was served. No order was made dispensing with service in the other. The learned Division Court Judge gave judgment against both in their absence.

Per ARMOUR, J., the prohibition might be supported on this ground; also R. S. O. cap. 47, sec. 134, construed.

The Judicature Act does not apply to a case of this kind, the proceedings of which are specially provided for in the Division Courts Act.

Lash, Q.C., for the appellant.

Aylesworth, contra.

COMMON PLEAS DIVISION.

DIVISIONAL COURT.—DEC 24.

RE MEEK V. SCOBLE.

Division Courts—Claim for damages and debt—Damages above jurisdiction—General abandonment—Prohibition.

The plaintiff sued in the Division Court on a claim which was originally composed of a solicitor's bill of costs, $36.06; damages, $69 33; due for advice, $6; total, $111.39. The plaintiff at the trial abandoned as to $11.39, without specifying from what items he threw the amount off. The learned Judge at the trial reduced the $69.33 to $62, the $6 item was struck out; and the total then stood $92.33.

Held, that the abandonment being general, it could not be assumed that the plaintiff had reduced his demand for damages so as to give the court jurisdiction, and a prohibition was ordered.

Meek, for the plaintiff.

A. C. Galt, contra.

OATES V. INDEPENDENT ORDER OF FORRESTERS.

Insurance—Suspended Court—R. S. O., ch. 167, sec. 11 — Exhausting means of redress in order — Amendment — Pleading — Leaving County without permit.

One O. was a member of Court Maple of the Independent Order of Forresters, and under the endowment provisions was insured in the Order for $1000. This Court left the Order in a body, and joined another Order called the Canadian Order of Forresters, and the Court was in consequence suspended. Part of the agreement of joining the Canadian Order was that O., who was in ill-health and had gone to California for change, should be taken and insured with the others. By the rules it was provided that members of suspended Courts, who were in good standing at suspension, should, on application within 30 days to the Supreme Secretary, and payment of a fee of $1, receive a card of membership, and be entitled to the endowments, provided they paid all assessments as they fell due, and affiliated with another Order; but if after 30 days, they must pass a medical examination. O. on returning from California, being then in good standing, on ascertaining that the Court Maple had been suspended, and within the 30 days thereof, applied to the Supreme Secretary of the Independent Order for a card, tendering $1, and he also tendered all assessments due, but the card was refused unless he obtained a medical officer's certificate; he also endeavoured to affiliate with another Court, but was prevented doing so by reason of his not having a card. By the certificate of endorsement the $1000 was payable to the widow, orphans, or legal heirs of O.; and by endorsement thereon by O. he directed the amount to be paid to the plaintiff, the widow.

Held, under the directions so given, as well