

C. of Chan.]

NOTES OF CASES.

[Chan. Ch.—C. L. Ch.]

Held, that H. was placed in a position in which his interest as one of the parties to the deed upon forfeiture might conflict with his duty as trustee, and that the Court would not have made and could not sanction his appointment.

Though on a bill filed for specific performance, if the infant children ultimately entitled under the settlement were made parties, the Court might order the completion of the sale and payment of the money into Court for investment, where the *corpus* of the estate would be protected for the children, yet on an application under the vendors' and purchasers' act in the absence of the other parties to the settlement, it would not compel the purchaser to accept the title.

Blake, V. C.]

[April 22.]

RE FLETCHER et al.

Solicitor and client—Judgment and execution—Summary application.

Upon the taxation of solicitor's costs against their client it was shown that large sums of money belonging to their client had reached their hands, and after deducting the amount of the costs a considerable balance remained due the client, for which he had, under the order of taxation, issued an execution, but the sheriff had been able to realize only a small portion of the debt and thereupon a motion was made to strike the solicitors off the roll in default of payment of the amount remaining due. The Court, however, in view of the fact that the client had treated the claim as a debt from the solicitor to himself and proceeded to a sale of all that he could seize under the execution, he could not fall back on a right which he had and might have exercised; unless in addition to the non-payment of the money, misconduct on the part of the solicitor could be shown that would warrant the interference of the Court, and refused the application with costs.

CHANCERY CHAMBERS.

Blake V. C.]

[March 1.]

SINGER v. C. W. WILLIAMS MANF. COY.

Foreign commission—What must be shown on application for.

On an application for a foreign commission to examine a witness who is travelling, it should be shown that he will remain at the place where the commission is directed a sufficient time to allow of its due execution.

Hoyles, for the appellants,*Watson*, for the plaintiffs.

COMMON LAW CHAMBERS.

Hagarty C. J.]

[April.]

REGINA *ex rel.* GRANT v. COLEMAN.REGINA *ex rel.* DWYRE v. LEWIS.

Quo warranto—Municipal election—County Court Judge—Jurisdiction.

A County Court Judge directed the issue of writs of *quo warranto* returnable before him to test the validity of the election of certain aldermen of the city of Ottawa. Before appearance the same Judge set aside all proceedings with costs on certain exceptions to the writs taken before him.

Held, on an application for a *mandamus* to compel him to try the cases, that he had power to set aside the writs, and that his powers under the Municipal Act being co-extensive with those of a Superior Court Judge in such cases, there was no appeal from his decision.

Hagarty C. J.]

[May 9.]

WOODRUFF v. CANADA GUARANTEE CO.

Verdict—Interest.

In an action on a bond of indemnity it was agreed at the trial that plaintiff should have a verdict for \$700, subject to a legal question which was afterwards decided in plaintiff's favor.

Held, that plaintiff was not entitled to interest on the verdict under R. S. O., ch. 50, sec. 269.