

Prac. Cases.]

NOTES OF CANADIAN CASES—BOOKS RECEIVED.

R. S. O. Cap. 55, sect. 20, filed acknowledgment of tenancy, consent to dower, etc. Plaintiff's solicitor thereupon entered judgment of *seisin*, issued writ of assignment of dower, and proceeded for damages. The judgment of *seisin* was held, at the hearing, to be final and conclusive, but leave was given to plaintiff to move in Chambers to vacate it.

The Master in Chambers made an order vacating the judgment.

Held, on appeal, affirming the Master's decision that the order was one, in the discretion of the Master, which was properly exercised under the circumstances in the plaintiff's favour, especially as judgment had been signed through mistake of her solicitor.

Hoyles, for the plaintiff.

J. D. King, (Berlin), for the defendant.

Mr. Dalton, Q.C.]

[March 9.

WILSON V. COWAN.

Examination—Notice—Subpœna—O.J.A. sec. 52.

The practice which prevailed in the former Court of Chancery with respect to examinations for discovery is continued by the O. J. A. sec. 52, and applies in the Chancery Division. Forty-eight hours notice of the examination is therefore not necessary to be given to a party to be examined, but only to the opposite solicitor. The party is only entitled to reasonable notice.

A subpœna dated prior to the issue of the appointment for examination is regular provided it was issued after the time when the party examining was entitled to examine.

Langton for the plaintiff.

H. Cassels, contra.

Boyd, C.]

[March 20.

BRECKENRIDGE V. ONTARIO LOAN AND DEPOSIT CO.

Minutes of judgment, settlement of—Rule 416.

S. H. Blake, Q.C., for plaintiff, moved to vary the minutes of a judgment which had been settled by a local Registrar.

Hoyles, for defendant, opposed the motion.

The CHANCELLOR:—I am of opinion that the minutes should be varied as asked, but I think where the parties cannot agree to the terms of the minutes of a judgment before a Local Registrar, a direction should be obtained from the

Judge to refer the matter to one of the Judgment Clerks under Rule 416, and as that course had not been pursued in this case the minutes must be varied, but I cannot make any order as to the costs except that they be costs in the cause.

BOOKS RECEIVED.

We acknowledge, with thanks, the following:—
PRINCIPLES OF THE COMMON LAW. By John Indermaur. 3rd edition. Stevens & Haynes, London, 1883.

EMPLOYERS' LIABILITY FOR PERSONAL INJURIES TO THEIR EMPLOYEES. By Charles G. Fall, Boston, U. S., 1883.

INDEX TO DOMINION ACTS AND IMPERIAL ACTS, Treaties and Orders in Council affecting Canada, printed with the Canadian Statutes. By F. B. Hayes and R. J. Wicksteed, Ottawa, 1882.

CLASSIFIED TABLE OF THE PUBLIC GENERAL STATUTES OF CANADA wholly or partly in force at the end of the Session of 1882, with remarks. By G. W. Wicksteed, Esq., Q.C., Law Clerk, House of Commons.

FLOTSAM AND JETSAM.

A recent number of the *London Law Journal* contains the following:—"The practice of experimenting before judges is likely to receive a check, if it is often followed by such results as happened in a case before Mr. Justice Pearson last week. Two German firms were disputing the exclusive right in certain patents for improvements 'in the production of coloring matters suitable for dyeing and printing.' The contention of the defendants was that the chemical means described in the specification were impossible because if the 'oxyazo-naphthalinoine' were to be united with the 'fuming sulphuric acid' of the strength therein described, it would be dangerous to human life; and an experiment *coram judice* was proposed. In an unguarded moment the judge consented, and adjourned into an empty room, where the baleful mixture was concocted by adding a teaspoonful of the unpronounceable liquid to an ounce of fuming sulphuric acid. The result was terrific. 'So dense and poisonous' were the effects of the fumes which arose, the judge, counsel, witnesses and bystanders fled, with the utmost precipitancy, to avoid being asphyxiated on the spot."