

and raised no objection to the validity of the proceedings until the application for a certiorari.

Held, that the conviction could not be impugned.

DuVernet for applicant.

Riddell, *contra*.

MULLIGAN v. THOMPSON.

Seduction—Married woman—Non-access of husband—Action by parent—Evidence.

The parent of a married woman may maintain an action for her seduction where non-access of the husband is proved ; and evidence thereof, as well as of the seduction, may be given by the married woman.

Pepler, Q.C., for the plaintiff.

Marsh, Q.C., and *Mickle* for the defendant.

CLOSE v. CORPORATION OF WOODSTOCK.

Municipal corporation—Drain bringing down noxious matter—Use of drain by others—Excavations on plaintiff's land.

Where a municipal corporation constructed a drain through the plaintiff's land, whereby noxious matter was brought down and deposited thereon, the corporation is liable therefor, notwithstanding there were excavations on the plaintiff's land but for which the noxious matter might have passed off, the plaintiff not being bound to have his land in a state of nature ; nor was it any answer that the drain was used for such purpose by others as well as the defendants.

Oster, Q.C., for the plaintiff.

G. T. Blackstock, Q.C., for the defendants.

RE HARPER.

Habeas corpus—Appeal.

Under R.S.O., c. 70, s. 1, the writ of habeas corpus may be made returnable before "the judge awarding the same, or before a judge in chambers for the time being, or before a Divisional Court" ; and by s. 6 an appeal is given from the decision of the said court or judge to the Court of Appeal.

Held, that the right of appeal must be exercised in the manner provided by the statute, and therefore an appeal from a judge in chambers must be to the Court of Appeal.

DuVernet for the defendant.

J. R. Cartwright, Q.C., *contra*.