

[Prac.]

NOTES OF CANADIAN CASES.

[Prac.]

pay her well for her services. This was the only evidence in corroboration of plaintiff. It appeared, also, that testator by his will directed that upon his death all his property should be converted into money, and invested upon mortgage security, and the whole income thereof paid to plaintiff during her life; but there was no evidence to show the value of this bequest, and it was suggested that after payment of the testator's debts, the residue would be very small.

Held, that there was no sufficient corroboration of plaintiff's claim to satisfy R. S. O. ch. 62, sec. 10.

T. G. Blackstock, for motion.

Aylesworth, contra.

WEIR V. GRAPE VINE CO.

Held, that the grantee in a subsequent conveyance registered before the registry of a previous conveyance from the same grantor, of which the said grantee had no actual notice, was entitled to maintain an action to have his subsequent conveyance declared to have priority over the previous conveyance, and that this court had power to so order upon such terms as seemed just.

W. Bell, for motion.

Osler, Q.C., contra.

PRACTICE.

Mr. Dalton, Q.C.]

[May 22.]

Proudfoot, J.]

[May 31.]

BROWN V. COUSINEAUX.

Adding Parties—Rule 109, O. J. A.—Pleading.

In an action for the price of goods sold, C., to whom the defendant had paid the price of the goods, believing him to have a better title than the plaintiff, and J. C. F., and A. F., who were charged by C. with having fraudulently obtained possession of the goods and made a pretended sale of them to the plaintiff, were added as parties defendant under Rule 109, O. J. A., with a direction that C. should in his

pleading, state his case against J. C. F. and A. F., and that they should be at liberty to reply.

Shepley, for the defendant and C.

MacGregor, for the plaintiff.

C. P. Div.]

[May 25.]

HARE V. CAWTHROP.

Notice of trial—Joinder of issue—Close of pleadings—Counter-claim.

The plaintiff delivered a reply to the defendant's statement of defence and counter-claim, simply stating that the plaintiff joined issue upon the defence and counter-claim.

Held, that this reply closed the pleadings, and notice of trial served with it was therefore regular.

Shepley, for the defendant.

Aylesworth, for the plaintiff.

Mr. Dalton, Q.C.]

[May 27.]

CAMPBELL V. JAMES.

Joinder of causes of action with claim for recovery of land—Rule 116, O. J. A.—Trial at which leave may be granted.

Where the writ of summons was indorsed with a claim for the recovery of land and for mesne profits, but the statement of claim asked specific performance of the contract by the defendant to buy the land from the plaintiff, and, in the event of specific performance not being decreed, possession, etc., and no order had been obtained for leave to join another cause of action with a claim for the recovery of land as required by rule 116, and a motion was made to set aside the writ of summons and statement of claim or one of them.

Held, that the causes of action were improperly joined in the statement of claim without leave; but, inasmuch as the two causes of action could not conveniently be separately prosecuted, leave was given *nunc pro tunc*.

Hoyles, for the plaintiff.

Shepley, for the defendant.