

Q. B. Div.]

NOTES OF CANADIAN CASES.

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December, 1866, made another deed to D., omitting the reservation of the life estate for A. D. in 1876 conveyed to his son, E., the plaintiff, a large parcel of land, including the land in question. A. continued in possession till his death in April, 1884—having shortly before his death conveyed the land to his daughter, the defendant. D. and E. attempted by different means at several times to dispossess A.

Held, whatever claim D. or E. might have had to recover the land on paying the \$400 to A., and whatever protection they might have had against the Statute of Limitations, if they had treated A. as tenant for life under the reservation in his favour, they had lost by their adverse conduct in not treating A. as tenant for life, and that they were now barred by lapse of time.

DONALLY V. HALL.

In action against sheriff for false return, defence was that the goods seized and abandoned by him, and which were on Bald Lake, etc., were under mortgage to a bank; the goods in which mortgage were described as being "now in and upon the waters of Mud Lake, etc., and the shore adjacent thereto." It appeared that the former waters were well known as such, and as distinct from, and forming no part of the latter, upon which, no part of the goods seized had ever been.

Held, that the words in the mortgage, "now in, and upon" expressly limited the goods to which they referred to those goods then upon the latter waters and the shore adjacent, and could not include the goods seized on the former, and that defendant was liable.

ROBINS V. CORPORATION OF BROCKTON.

Plaintiff appointed (but not under seal) to make up defendants' books.

Held (WILSON, C. J., dissenting), defendants liable for the work done.

McLAREN V. MARKS.

In action for not delivering goods, one of defendants notified S. and M. of suit, and claiming contribution as to half of any sum recovered, because they were co-partners, etc.

They appeared to notice, and the Master in Chambers afterwards gave them leave to appear, binding them by any judgment against defendants. *Held*, order right.

Notice of appeal from a single judge given 26th Nov., the decision on 14th Nov., the first day of term being 17th Nov.

Semble, an appeal from a judge, and not a substantive motion against his order, and if so, and rule 414 was to govern, appeal too late, but that even so the Court would extend the time, the merits being with the appellant.

Rose, J.]

REGINA V. LACKIE.

Fraudulent removal of goods under the statute of George is a crime, and a defendant is not therefore compellable to give evidence against himself.

REGINA V. WALKER.

Conviction under 32-33 Vict. cap. 28—Fine and costs.

A conviction under 32-33 Vict. cap. 28, for keeping a house of ill-fame, ordered payment of a fine and costs, to be collected by distress, and in default of distress ordered imprisonment.

Held, good.

WALDIE V. BURLINGTON.

Order amending plan by closing street—R. S. O. c. III, s. 84—By-law declaring street open—Quashing by-law—Municipal Institutions Act, R. S. O. c. 174 s. 506.

By an order of the County Judge, upon the application of the plaintiff, after hearing numerous parties, including the defendants, a certain street on a registered plan was closed up. Thereafter the defendant municipality passed a by-law declaring the street in question open. On a motion to quash the by-law,

Held, that the by-law should be quashed as having been passed in disregard and contempt of the order.

Held, also, that as the order showed jurisdiction on its face, the evidence upon which it had been made should not be looked at on this application.