

Prac.]

NOTES OF CANADIAN CASES—OBITUARY.

diction of the Dominion attaches to those reserves. But the rest of the land in which "the Indian title" so called has not been extinguished remains with its character unchanged as the public land of the Province.

History of the public lands of Ontario from the time of their acquisition by the Crown till they became subject to Provincial legislative control briefly sketched.

Discussion of the Canadian policy upon Indian questions both before and after Confederation.

Attorney-General and W. Cassels, Q.C., for the Crown.

McCarthy, Q.C., and Creelman, for the defendants.

PRACTICE.

Q. B. Div.] [March 4.
HATELY V. THE MERCHANTS' DESPATCH
CO. ET AL.

Security for costs—Delivery out of bond—Case in the Court of Appeal.

The plaintiff who lived out of the jurisdiction obtained a verdict at the trial, which was affirmed upon motion to a Divisional Court (except as to one defendant against whom the action was dismissed without costs) and the defendants were appealing to the Court of Appeal.

Held, that the plaintiff was entitled to have his bond for security for costs taken off the files and delivered up to be cancelled notwithstanding that the judgment in the plaintiff's favour was liable to reversal in the Court of Appeal.

Aylesworth and Lees, for the plaintiff.

Plumb and Millar, for the defendants.

Proudfoot, J.] [June 22.
RE LAKE SUPERIOR NATIVE COPPER CO.

Appeal—Extending time for.

Cross-applications in respect of the same subject-matter were argued together and both were dismissed by a judgment pronounced on

the 26th April, 1885. The question argued was an important one, viz.: the *ultra vires* of an Act. Separate orders were taken out dismissing the two applications, and the time for appealing from both orders was extended till the 6th June, on which day one of the parties gave notice of appeal from the order adverse to him. The other party who was not desirous of appealing unless his opponent appealed was advised too late to serve notice within the time limited, and therefore applied after the expiration of the time to have it extended.

Held, that it was a proper case for exercising a discretion in favour of the applicant, and leave to appeal was accordingly granted.

J. H. Macdonald, for the application.

Moss, Q.C., contra.

Boyd, C.]

[June 26.

SMITH ET AL. V. GREY ET AL.

Foreign Commission—Issue on pleadings.

For a foreign commission to be ordered it is not necessary that the cause should be technically at issue; it is sufficient to shew that some issue is raised on the pleadings which must infallibly be tried if the action be tried at all.

H. D. Gamble, for the defendants.

Arnoldi, for the plaintiffs.

OBITUARY.

HONOUR TO THE BRAVE.

The members of the London Bar have passed a resolution expressive of their deep regret at the death of their professional brother, Skeffington Connor Elliot, and of their sympathy with his parents on the occasion. Mr. Elliot was called to the Ontario Bar in 1880. A son of Judge Elliot, of London, and twenty-six years old at the time of his death, he was practising his profession successfully at Prince Albert in the North-West Territory when the rebellion under Riel commenced. The Mounted Police at Prince Albert and in its vicinity were