

JUDGMENTS IN ERROR AND APPEAL.

On Thursday, 23rd August, the Court of Error and Appeal met for the delivery of Judgments.

The following Members of the Court were present:—Robinson, C. J.; Draper, C. J.; Burns, J.; Esten, V. C.; Spragge, V. C.; Richards, J.; Hagarty, J.

The following is a list of cases in which judgments were delivered:—

Topping, appellant, and Joseph, respondent.—This was an appeal by Topping, one of several defendants, against a decree of the Court of Chancery. The question involved was one of marshalling assets. ROBINSON, C. J.—Appeal ought to be dismissed without costs. DRAPER, C. J.—Appeal ought to be dismissed on terms mentioned by the Chief Justice. BURNS, J., of same opinion. SPRAGGE, V. C.—Appeal ought to be affirmed. RICHARDS, J., concurred with BURNS, J. HAGARTY, J.—Appeal ought to be dismissed. *Per Cur.*—Bill dismissed as against Topping, without costs.

Robertson et al., appellants, Moffatt, respondent.—This was an appeal from a decision of the Court of Queen's Bench. The action was brought by respondent against the appellants as the respective maker and indorser of a promissory note. The plea was a joint one. One of the defendants proposed to call the other as a witness, but his evidence was rejected. On an application for a new trial, the Queen's Bench held that the rejection of evidence was improper and that a new trial should be granted. So, *per DRAPER, C. J., SPRAGGE, V. C., and HAGARTY, J., concurred.* *Per Cur.*—Judgment reversed without costs, and new trial ordered.

Corporation of the Town of Dundas, appellants, Great Western Railway Company, respondents.—This was also an appeal from Queen's Bench. DRAPER, C. J.—Appeal should be dismissed with costs. ESTEN, V. C., concurred. SPRAGGE, V. C., concurred. ROBINSON, C. J., concurred. *Per Cur.*—Judgment affirmed, and appeal dismissed with costs.

Macdougall, appellant, McCoy, respondent. *Per Cur.*—Appeal dismissed with costs.

Mountjoy, appellant, and The Queen, respondent.—This was an appeal from a *pro forma* judgment of Queen's Bench. The question raised was as to the width of East North Street where it passes the Church Block in London. According to decision of Queen's Bench, in conformity with that of Common Pleas, East North Street should at the point indicated be 120 feet wide. Defendant, contending that East North Street should be only 100 feet wide, appealed. ROBINSON, C. J.—Appeal must be dismissed. DRAPER, C. J.—Appeal ought to be dismissed. *Per Cur.*—Appeal dismissed. HAGARTY, J., dissentiente.

Quinlan, appellant, Gordon et al., respondents.—This was an appeal from Court of Chancery. A loan on mortgage had been made after 16 Vic. c. 80, and before 22 Vic. c. 85. The question was whether appellant, having taken notes for excess of interest beyond 6 per cent. and been paid same, was entitled to enforce payment of his mortgage security with 6 per cent. interest, or whether the excess should go in reduction of principal. The Court of Chancery held the affirmative. Plaintiff appealed. ROBINSON, C. J.—Appeal allowed. ESTEN, V. C., delivered no judgment. SPRAGGE, V. C., dissentiente.—Appeal ought to be dismissed. *Per Cur.*—Appeal allowed.

On Monday, 9th September, the Court met and delivered judgment in *Norton, appellant, Smith, defendant*—An action for dower. The question raised was as to right of widow to dower when deed and mortgage made same day. Held that widow was entitled to recover.

Smith & Henderson, appellants, Greaves, respondent.—Stands over.

FALL CIRCUITS.

EASTERN CIRCUIT.

The Hon. Mr. JUSTICE McLEAN.

Brockville.....	Tuesday,	1st October.
Perth.....	Tuesday,	8th October.
Ottawa.....	Tuesday,	15th October.
L'Orignal.....	Thursday,	24th October.
Cornwall.....	Tuesday,	29th October.

MIDLAND CIRCUIT.

The Hon. Mr. JUSTICE RICHARDS.

Whitby.....	Monday,	30th September.
Peterborough.....	Monday,	7th October.
Cobourg.....	Friday,	11th October.
Belleville.....	Monday,	21st October.
Picton.....	Wednesday,	30th October.
Kingston.....	Monday,	4th November.

HOME CIRCUIT.

The Hon. Mr. JUSTICE HAGARTY.

Owen's Sound.....	Tuesday,	1st October.
Milton.....	Monday,	7th October.
Niagara.....	Monday,	14th October.
Welland.....	Tuesday,	22nd October.
Barrie.....	Monday,	28th October.
Hamilton.....	Monday,	4th November.

OXFORD CIRCUIT.

The Hon. Mr. JUSTICE BURNS.

Brantford.....	Tuesday,	1st October.
Cayuga.....	Wednesday,	9th October.
Simcoe.....	Monday,	14th October.
Woodstock.....	Monday,	21st October.
Stratford.....	Monday,	28th October.
Berlin.....	Monday,	4th November.
Guelph.....	Monday,	11th November.

WESTERN CIRCUIT.

The Hon. SIR J. B. ROBINSON, BART., CHIEF JUSTICE.

Goderich.....	Tuesday,	1st October.
Sarnia.....	Tuesday,	8th October.
St. Thomas.....	Monday,	14th October.
London.....	Friday,	18th October.
Chatham.....	Monday,	4th November.
Sandwich.....	Monday,	11th November.

TORONTO AND COUNTIES OF YORK AND PEEL.

The Hon. CHIEF JUSTICE DRAPER.

County of the City of Toronto.....	Monday, 30th September.
United Counties of York and Peel.....	Monday, 14th October.