

Robson, J.]

CASS v. CANADA TRADERS.

[Sept. 8.]

Real Property Act—Caveat—Petition of caveator must be founded on caveat.

A caveat filed under s. 133 of the Real Property Act, R.S.M. 1902, c. 148, must accurately set forth the title, estate or interest in the land claimed by the caveator, and a petition filed by the caveator after notice served upon him by the caveatee, under s. 131 of the Act, requiring the caveator to take proceedings upon his caveat, must be one asserting substantially the same title, estate or interest as that stated in the caveat, or it will be dismissed.

McArthur v. Glass, 6 M.R. 224; *McKay v. Nanton*, 7 M.R. 250, and *Martin v. Morden*, 9 M.R. 565, followed.

Hough, K.C., for caveator. *L. J. Elliott*, for caveatee.

Province of British Columbia.

SUPREME COURT.

Clement, J.]

REX v. SCHYFFER.

[Oct. 21.]

Criminal law—Arrest on telegram—Legality of—Criminal Code ss. 30, 33, 347, 355 and 649.

The applicant had been arrested, without a warrant, by the chief of police for Vancouver at the instance of a private detective there who had received a telegram from a private detective in Montreal. The offence alleged was that the accused had, in Montreal, received a ring with instructions to hand it over to a third person. A second ring he had, as alleged, stolen from such third person directly. He converted it to his own use and left for British Columbia.

Held, that this was not an offence within the meaning of Crim. Code s. 355 for which an arrest could be made without a warrant.

S. S. Taylor, K.C., in support of the application. *J. K. Kennedy*, contra.