

GALT, C.J.]

[April 25.]

ATTORNEY-GENERAL v. VAUGHAN ROAD CO.

Parties — Counterclaim — Exclusion of — Rule 374 — Action at suit of Attorney General — Damages against relators — Pleading.

In an action brought in the name of the Attorney-General upon the relation of certain persons to restrain the defendants from collecting tolls or keeping their toll gates closed upon their roads, the defendants alleged by way of defence certain wrongful acts of the relators, and by way of counterclaim asked damages against them.

Held, by WINCHESTER, official referee, that the relators were not in any sense plaintiffs; and the allegations against them must be stricken out.

Held, by GALT, C.J., on appeal, that the defendants' counterclaim was properly excluded under Rule 374.

Lawrence for the plaintiff.

Kappele for the defendants.

MR. WINCHESTER.]

[April 26.]

CASSELMAN v. BARRIE.

Writ of summons — Special indorsement — Interest — Rules 245, 739 — Summary judgment.

The writ of summons was indorsed with a money claim for the value of a certain quantity of logs at certain prices, and an additional claim for interest on the price.

Held, that as interest was not claimed as arising under a statute or by contract the writ was not especially indorsed under Rule 245, and an order for summary judgment could not be made under Rule 739.

Wilks v. Wood, W.N., 1892, p. 58, followed.

Mackenzie v. Ross, 14 P.R. 299, and *Hay v. Johnston*, 12 P.R. 596, distinguished.

Semble, if the plaintiff abandoned all claim to interest, he might be entitled to judgment in a proper case.

J. A. MacIntosh for the plaintiff.

Aylesworth, Q.C., for the defendant.

Appointments to Office.

CORONERS.

County of Huron.

Alexander Taylor, of the Town of Goderich, in the County of Huron, Esquire, M.D. : to be an Associate-Coroner within and for the said County of Huron.

County of Middlesex.

William Telfer Robson, of the Village of Vanneck, in the County of Middlesex, Esquire, M.D. : to be an Associate-Coroner within and for the said County of Middlesex.

County of Wellington.

William Cormack, of the City of Guelph, in the County of Wellington, Esquire, M.D. : to be an Associate-Coroner within and for the said County of Wellington, in the room and stead of Thomas A. Keating, Esquire, M.D., deceased.

Angus MacKinnon, of the City of Guelph, in the County of Wellington, Esquire, M.D. : to be an Associate-Coroner within and for the said County of Wellington.

County of York.

William John Hunter Emory, of the City of Toronto, in the County of York, Esquire, M.D. : to be an Associate-Coroner within and for the said County of York.

POLICE MAGISTRATE.

Town of Leamington.

John McRobie Selkirk, of the Town of Leamington, in the County of Essex, Esquire, to be Police Magistrate in and for the said Town of Leamington, without salary.

DIVISION COURT BAILIFFS.

County of Middlesex.

William Guest, of the Village of St. John's, in the County of Middlesex, to be Bailiff of the Eighth Division Court of the said County of Middlesex, in the room and stead of W. H. Brock, resigned.