

Prac.]

NOTES OF CANADIAN CASES—BOOK REVIEWS.

Ferguson, J.]

[July 4.

WESTGATE V. WESTGATE ET AL.

Costs of official guardian—Fraud by infant.

The official guardian's costs of defending this action on behalf of an infant defendant were ordered to be paid by the plaintiff, notwithstanding that judgment was pronounced in favour of the plaintiff against the infant defendant, and that the latter had been found to be a party to the fraud which occasioned the action.

Meredith, Q.C., for the plaintiff.

R. Meredith, for the adult defendant.

Lash, Q.C., for the official guardians.

Rose, J.]

[July 11.

DUNCAN ET AL. V. LEES.

Interpleader—Material upon which order granted—Who should be plaintiff in issue.

Interpleader orders should be granted with extreme caution, and only after strong presumptive evidence of the goods being the debtor's, which should ordinarily appear by his being in possession, by an affidavit of the belief of the sheriff if he has such belief, and by a similar affidavit of the execution creditor.

A sheriff, instructed by the execution creditor, went to the store which had been the defendant's, found the claimants in possession and their name over the door, and notwithstanding this and without further inquiry made a seizure. Upon a claim to the goods being made, the sheriff applied for an interpleader order, swearing positively that the seizure was of goods and chattels belonging to the defendant. It was admitted that the defendant had made an assignment of all his property before the seizure.

Held, that an interpleader order should not have been granted, and an order was made barring the execution creditors.

Semble, that if the claimant be in possession at the time of the seizure, the execution creditor should be plaintiff in the interpleader issue.

Shepley, for the claimants.

Akers, for the execution creditors.

Aylesworth, for the sheriff.

BOOK REVIEWS.

SUPPLEMENT TO O'BRIEN'S DIVISION COURT MANUAL. By Henry O'Brien, Barrister-at-Law, Toronto. Carswell & Co., Law Publishers, 1885.

THIS little volume comes opportunely to bring down to date all matters affecting Division Court law and practice. It contains the amendments to the Division Courts Acts passed in 1882, 1884 and 1885, together with the New Rules and Tariff of Fees, which came into force on January 1, 1885, to which is added a complete digest of all the Ontario cases decided since the publication of the previous parts of the Manual. This is a new feature and a very useful one. There is also a list of the Division Court clerks and bailiffs corrected to date. The Index we are glad to notice covers not only the new material, but also the matter contained in the Manual of 1880; the annoyance of a third Index is thus obviated. The present supplement is printed so as to bind up with the Manuals of 1879 and 1880, and with them forms a compact volume giving the information contained in a very accessible form.

Instead of giving any remarks of our own as to the manner in which the editor has done his work we quote the following extract from a letter received by him from the learned Chairman of the Board of County Judges, than whom no one could be found more competent to give an opinion: "It is very nicely got up and with the digest of cases will be a valuable aid to the judges, practitioners and to the general public who have to resort to the Courts. You are entitled to much credit for the careful way in which you have prepared the work."

These Courts are now, with their increased jurisdiction and extended powers, much more important forums than they formerly were; and a handy volume giving easy access to their practice and procedure will be very useful as well to the officers as to the large number of the legal profession, who, especially in country places, have the conduct of cases passing through them.