

**SINCLAIR'S DIVISION COURTS  
ACT, 1880: BEING FULL AND  
CAREFUL ANNOTATION OF THE  
DIVISION COURTS ACT, 1880**

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Sinclair's Division Courts Act, 1880: Being Full and Careful Annotation of the Division Courts Art, 1880 by J. S. Sinclair

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**J. S. SINCLAIR**

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Ontario. Laws, statutes, etc. Judiciary law.

SINCLAIR'S OF  
DIVISION COURTS ACT, 1880;  
BEING A  
FULL AND CAREFUL ANNOTATION  
OF THE  
DIVISION COURTS ACT, 1880.

AFTER THE MANNER OF  
SINCLAIR'S DIVISION COURTS ACT,  
WITH DIRECTIONS AND INSTRUCTIONS TO CLERKS AND BAILIFFS ON QUESTIONS  
MOST FREQUENTLY ARISING IN THE COURSE OF THEIR DUTIES  
UNDER THE NEW ACT, AND A FULL SET OF FORMS OF  
THE PROCEEDINGS INTRODUCED BY SUCH ACT,  
ALIKE USEFUL TO DIVISION COURT  
OFFICERS AND LAWYERS.

BY  
*James S. Law*  
J. S. SINCLAIR, Q. C.

JUDGE OF THE COUNTY COURT OF THE COUNTY OF WENTWORTH.

ASSISTED BY  
E. E. WADE, ESQ.

BARRISTER-AT-LAW.

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TO  
THE HONOURABLE  
OLIVER MOWAT, Q. C.  
ATTORNEY-GENERAL  
FOR  
THE PROVINCE OF ONTARIO,  
THIS WORK  
IS  
WITH HIS PERMISSION  
RESPECTFULLY INSCRIBED.

## PREFACE.

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WHEN I wrote the annotation to the General Division Courts Act I did not anticipate the passage so soon of an Act in amendment of Division Court law of such length or importance as the Act of 1880 proved to be. After examining its many provisions, and considering the increased jurisdiction conferred by it—its alterations in many respects of the principles of practice as formerly understood, and its new features in regard to jurisdiction—I came to the conclusion that an annotation of the new Act was as necessary as of the former Statute. An examination of the Act itself, a consideration of the scope and object of many of its provisions—widening, as it does, very materially the basis of Division Court jurisdiction, extending the authority of the Courts, and giving them an importance not before known—rendered necessary a much fuller review of the law bearing upon the Statute than was at first supposed. The most useful and faithful discussion of legal questions is by the light of judicial authority. I have invoked that aid as the truest and best exposition of those parts of our law which this Act presents. Where questions were suggested which did not upon research appear to be settled by judicial decision, I have doubtfully hazarded an opinion or suggested a doubt as a warning to the unwary. The range of authority which was found necessary to consider will be found somewhat extensive; but, with an anxious desire to elucidate as fully as possible the different questions which the Act presented by the aid of decision, many cases will, no doubt, still be found to be omitted. In the forms which are given it is hoped that some assistance in the practical working of the Act will be found in these pages, and thereby that some time and labour may be saved to those actively engaged in Division Court work.

There is no doubt but that many errors, omissions and mistakes will be discovered; and for such I bespeak the kindly indulgence and forbearance of the reader, pleading as my excuse an earnest desire to be accurate, and that haste which the issue of some work of this nature appeared to me so urgently to require.

I have again to acknowledge the invaluable assistance that I have received in this work from Mr. Wade, of whose services I cannot speak in terms of too high commendation. I have also to thank Mr. F. J. Gibson, of Hamilton, for the careful index of cases which he has made for this book, and which, it is hoped, will be found of practical service.

J. S. SINCLAIR.

HAMILTON, May, 1880.





## TABLE OF CASES CITED OR INTRODUCED.

*V. follows the name of the Plaintiff.*

- |  |   |
|--|---|
| <p>Ablett v. Basham, 22.<br/>         Adapsonia Fibre Co., Miles' Claim,<br/>             In re, 7.<br/>         Albazette, In re, 59.<br/>         Aldridge v. Cato, 44.<br/>         ——— v. Medwin, 32.<br/>         Allen v. Geddes, 32.<br/>         ——— v. L. &amp; S. W. Ry. Co., 6.<br/>         Allison, J., Re, 21.<br/>         Ancona v. Marks, 5.<br/>         Anderson v. Sanderson, 5.<br/>         Andrews v. Marris, 36.<br/>         Anglin v. Municipality of Kingeton,<br/>             42.<br/>         Arbon v. Fussell, 11.<br/>         Ashby v. Sedgwick, 58, 59.<br/>         Ashworth v. Outram, 59.<br/>         Asprell, Inhabitants of, v. Lancashire<br/>             (Justices), Re, 84.<br/>         Attenborough v. Clark, 21.<br/>         ——— v. Thompson, 22.<br/>         ——— v. Kemp, 41.<br/>         Attorney-General v. Halliday, 12.<br/>         ——— v. Tomline, 27.<br/>         ——— v. Silleen, 36.<br/>         ——— (I.M.) v. Cowley, 51.<br/>         ——— v. Windsor (Dean<br/>             &amp; Canons), 58.<br/>         Attorney-General of Victoria, In re,<br/>             51.<br/>         Atwood v. Chichester, 84.<br/>         Austin v. Gibson, 16.<br/> <br/>         Babcock v. Lawson, 7, 8, 10.<br/>         ——— v. Mun. Council of Bedford,<br/>             21.<br/>         Bain v. Gregory, 20, 32.<br/>         Baines v. Ewing, 8.<br/>         Baird v. Almonte, 20, 86.<br/>         Baker v. Dening, 6.<br/>         Bank of Montreal v. Cameron, 23, 91.<br/>         ——— Bengal v. Fagan, 43.<br/>         ——— U. C. v. Parsons, 17.<br/>         ——— U. C. v. Tarrant, 54.<br/>         ——— Whitehaven v. Thompson, 95.<br/>         Banks v. Crossland, 77.<br/>         Barker v. Davis, 76.<br/>         Barnes v. Ackroyd, 5.</p> | <p>Barnesdall v. Stretton, 53.<br/>         Barringer v. Haudley, 94.<br/>         Bartlett v. Smith, 11.<br/>         ——— v. Wells, 82.<br/>         Barwick v. London S. Bank, 5.<br/>         ——— v. English J. Stock Bank, 10.<br/>         ——— v. De Blaquiere, 23, 91.<br/>         Bassela v. Stern, 12, 27.<br/>         Baumann v. James, 8, 10.<br/>         Bayley v. Fitzmaurice, 43.<br/>         Baylis v. Dineley, 82.<br/>         Baxendale v. Bennett, 7.<br/>         Beal v. Ford, 22.<br/>         ——— v. Lord, 34.<br/>         Beauchamp v. Cass, 21.<br/>         Beer v. L. &amp; P. Hotel Co., 7.<br/>         Begg v. Cooper, 23.<br/>         Bealy v. Fowler, 63.<br/>         Belcher v. Goodered, 25.<br/>         Bennett v. Brumfitt, 4, 6.<br/>         Berridge v. Fitzgerald, 20, 31.<br/>         Bertv v. The Exchange Trading Co.,<br/>             58, 59.<br/>         Best v. Fambroke, 100.<br/>         Bewick v. Boffey, 42.<br/>         Bettis v. Weller, 5.<br/>         Bigby v. Dickinson, 38, 57.<br/>         Bilborough v. Holmes, 8.<br/>         Bill v. Bament, 9.<br/>         Birch v. Ridgway, 11.<br/>         Blackwell v. England, 22.<br/>         Blades v. Lawrence, 6.<br/>         Blake v. Beech, 91.<br/>         ——— v. Shaw, 77.<br/>         ——— v. Walsh, 5.<br/>         Bland v. Bland, 95.<br/>         Bleakly v. Smith, 6.<br/>         Blenkaine v. Statter, 47.<br/>         Blore v. Sutton, 7.<br/>         Blues, In re, 84.<br/>         Board of Education of Paris v. Citi-<br/>             zens' Ins. &amp; Invest. Co., 16.<br/>         Boddy v. Leyland, 62.<br/>         Bold's Bail, 52.<br/>         Bolingbroke v. Swindon Local Board, 8.<br/>         Bond v. Overseers of the Parish of St.<br/>             George, Hanover Square, 34.<br/>         Bordier v. Burrell, 70.</p> |
|--|---|

- Borradaile v. Nelson, 95.  
 Bouch v. Sevenoaks, Maidstone & Tunbridge Ry. Co., 100.  
 Bowman v. Blyth, 80.  
 Bowers v. Lovekin, 77.  
 Bows v. Fenwick, 34.  
 Boyd v. Haynes, 99, 100.  
 Boydell v. Drummond, 8.  
 Boyer's Estate, 79.  
 Boyle v. Wiseman, 11.  
 Branscombe v. Scarborough, 3.  
 Bradley v. Crane, 41.  
 Brandford v. Freeman, 43.  
 Branigan v. Stinson, 42.  
 Bray v. Chandler, 77.  
 Braybrook (Lord) v. Atty.-General, 43, 58.  
 Brett v. Smith, 21.  
 Brice v. Bannister, 99.  
 British Industry L. Ass. Co. v. Ward, 43, 58.  
 Bromley, Ex parte, Re Redfearn, 56.  
 Brook v. Hook, 7.  
 Bross v. Huber, 13, 18.  
 Brown and Wallace, In re, 85.  
 — In re v. L. & N. W. Ry. Co., 27.  
 Brown v. Cline, 44.  
 — v. Shaw, 45, 59.  
 — v. Gugsy, 55.  
 Buck v. Hurst, 3.  
 Burnham v. Hall, 90.  
 Burrowes, In re, 15, 48.  
 Burton v. Roberts, 99.  
 Bush v. Trowbridge W. Co., 41.  
 Butler v. Rosenfeldt, 13.  
 Buxton v. Rust, 5, 7.  
  
 Caine v. Coulton, 27.  
 Callisher v. Bischoffshaim, 3.  
 Cameron v. Wait, 17.  
 Campbell v. Dennistoun, 8.  
 — v. Strangeways, 79.  
 Cannot v. Morgan, 20.  
 Cannon v. Johnson, 56, 58.  
 Carr v. L. & N. W. Ry. Co., 27.  
 — v. Stringer, 42, 50.  
 Caswell v. Cook, 59.  
 Caton v. Caton, 6.  
 Catt v. Howard, 7.  
 Caudle v. Seymour, 13.  
 Cawley v. Furnell, 43.  
 Chadwick v. Chadwick, 43.  
 Chamberlain v. Wood, 25.  
 Chambers v. Smith, 80.  
 Chawner v. Cummings, 77.  
 Chennell, In re, Jones v. Chennell, 41.  
  
 Cheshire Lines Committee, R. v., 65.  
 Chesney v. St. John, 38.  
 Chichester v. Cobb, 5.  
 Christopherson v. Lotings, 22, 23, 91.  
 Cinqmars v. Moodie, 41.  
 Clark v. Hurlburt, 41.  
 Clarke v. Fuller, 32, 80.  
 — v. Stancliffe, 57.  
 — v. Dickson, 9.  
 Clements v. Norris, 8.  
 Cobbett v. Kilminster, 11.  
 — v. Warner, 20.  
 Coehn v. Waterhouse, 52.  
 Coles v. Trecothick, 5.  
 Collett v. Dickenson, 82, 91.  
 Collie, In re, 27.  
 Cooch v. Goodman, 4.  
 Cook v. Wright, 3.  
 — v. Dey, 95.  
 Cooper v. Dawson, 11.  
 Com. Bank v. Jarvis, 99.  
 — v. Johnston, 17.  
 Converse v. Michie, 79, 102.  
 Couybeare v. Farries, 58.  
 Copeland, Ex parte, 102.  
 Corbett v. Taylor, 58.  
 Core v. James, 5.  
 Cornish v. Abington, 15.  
 Corsant, qui tam, v. Taylor, 76.  
 Cousins v. Lombard Bank, 39.  
 Cox v. Hickman, 8.  
 — v. Troy, 6.  
 Cowin v. Moore, 57.  
 Cowling v. Ely, 12.  
 Crane v. Powell, 78.  
 Crometh v. Crom, 100.  
 Crosswell v. Jackson, 11.  
 Cross v. Wilkins, 95.  
 — v. Williams, 52.  
 Crossley v. Mayoock, 9.  
 Crossman v. Shears, 27.  
 Culverhouse v. Wickens, 99.  
 Cuming v. Toms, 4, 80.  
 Cushman v. Reid, 3, 5.  
 Curtis, Ex parte, 78, 80.  
 Cutler v. Turner, 78.  
 Cutts v. Ward, 77.  
  
 Daniels v. Charaley, 47, 50, 58.  
 Daniell v. James, 53.  
 Darling v. Sherwood, 44.  
 Daubney v. Shuttleworth, 59.  
 Davis v. Weller, 20.  
 Davies v. Berwick, 77.  
 — v. Westmascott, 96.  
 Deadman v. Agriculture & Arts Ass., 15, 18.

- De Forest v. Bunnell, 21.  
 Dennison v. Knox, 39.  
 Dent v. Dent, 3, 99.  
 Denton v. Marshall, In re, 44.  
 — v. Peters, 8.  
 Devine v. Holloway, 43.  
 Dillon v. Cunningham, 82, 91.  
 Doe v. Hogg, 4.  
 “ Mudd v. Suckermore, 11.  
 “ Wetherell v. Bird, 13.  
 Dolphin v. Layton, 3, 99.  
 Donovan v. Brown, 55.  
 Doolan v. Martin, 20.  
 Dreesman v. Harris, 12, 42.  
 Dresser v. Johns, 99.  
 Dubois v. Lowther, 97.  
 Duchess of Westminster Silver Lead  
 Ore Co., 59.  
 Dudgeon v. Thompson, 33.  
 Dudley & West Bromwich Banking  
 Co., Ex parte, 43.  
 Duffil v. Dickenson, 44, 46.  
 Durham County P. B. B. Society, In  
 re, Ex parte Wilson, 44.  
 Durrant v. Carter, 34.  
 Durrell v. Evans, 6.  
 Eastwood v. Miller, 34.  
 Eddy v. Ottawa City P. Ry Co., 56,  
 58, 59.  
 Edwards v. L. & N. W. Ry Co., 8.  
 Egglestone v. Speke, 12.  
 Emerson v. Blonden, 5.  
 — v. Brown, 94.  
 Emmerson v. Heelis, 5.  
 Erb v. G. W. Ry Co., 7, 8, 10.  
 Evans v. Jones, 79.  
 — v. Matthews, 56.  
 — v. Wills, 91.  
 Everard v. Watson, 32.  
 Ex parte Blues, 78.  
 “ Bromley, re Redfern, 56.  
 “ Copeland, 102.  
 “ Curtis, 78, 80.  
 “ Dudley & West Bromwich  
 Banking Co., 43.  
 “ Ferrige, In re Ferrige, 19,  
 46-50.  
 “ Gutierrez, In re Gutierrez,  
 13.  
 “ Hall, In re Whitting, 99.  
 “ Hawker, 3, 99.  
 “ Heslop, 43.  
 “ Hughes, 77.  
 “ Johnson, 45, 77, 80.  
 “ Kempson v. Barker, 45.  
 “ Kennington, 43.  
 Ex parte King, 21.  
 “ Lowe, 44.  
 “ L. B. & S. C. Ry Co., 86.  
 “ Masters, In re Winson, 58.  
 “ North Kent Bank, In re  
 Holdsworth, 94.  
 “ Rocke, 99.  
 “ Saffery, In re Lambert, 19,  
 46, 55, 80.  
 “ Sawyer, 59.  
 “ Simpkin, 46, 76.  
 “ Tucker, In re Tucker, 23, 65.  
 “ Vine, In re Wilson, 99.  
 “ Vinsy, In re Gilbert, 19, 46,  
 55, 80.  
 “ Willmott, 45.  
 Feaver v. Montreal Telegraph Co., 5.  
 Fashan v. Bank of Toronto, 42.  
 Ferguson v. Elliott, 25.  
 Ferrige, Ex parte, In re Ferrige, 19, 80.  
 Fesenmayer v. Adcock, 3.  
 Figg v. Wilkinson, 55.  
 Firth v. Bush, 93.  
 Fisher v. Goodwin, 97.  
 — v. Keane, 23, 65.  
 — v. Jones, 77.  
 — v. Mowbray, 82.  
 Fitzmaurice v. Bayley, 5.  
 Fitzsimons v. McIntyre, 9.  
 Flight v. Thomas, 59.  
 Flower v. Allen, 93, 94.  
 — v. Lloyd, 44.  
 Floyd v. Weaver, 77.  
 Folger v. McCallum, 21.  
 Ford v. Fye, 34.  
 — v. Hart, 34.  
 — v. Taylor, 70.  
 Forster v. Mackrath, 7.  
 Foster v. Usherwood, 9, 42.  
 — v. Green, 43, 45.  
 — v. Smith, 59.  
 Fowler v. McDonald, 41.  
 — v. Roberts, 99.  
 Foxall's Bail, 52.  
 Fox v. Wallis, 55.  
 — v. Money, 91.  
 — v. T. & N. Ry Co., 72, 98.  
 Francis v. Dowdeswell, 45, 46, 47.  
 Frankland, Re, 100.  
 Fraser v. Fothergill, 42.  
 Frederici v. Vanderzee, 23, 91.  
 Freeman v. Read, 86.  
 Freshfield's Trust, In re, 6.  
 Fricker v. Thomson, 9.  
 Frith v. Guppy, 20.  
 Fryer v. Sturt, 36.