

in the English Rules, and which was added on the consolidation of our Rules without, perhaps, due consideration of the wording of Rule 245, it must be admitted that it does afford some ground for the assumption that in this Province it is contemplated that claims for "detention of goods and pecuniary damages, or either of them," at all events, may be added to claims which are properly the subject of a "special indorsement" without impairing the right of the plaintiffs to take all proceedings in the action as regards the latter claims as if they were the *only* claims indorsed. *Mackenzie v. Ross* and the other cases, however, even go farther, and lay down that claims for equitable relief may also be added to claims which are the subject of a special indorsement, without prejudice to the plaintiff proceeding so far as the latter claims, as if they were the *only* claims indorsed.

At present the practice on this point seems to us to be drifting into a muddle: and, as it is one of everyday concern, it is to be hoped that it may be soon placed on a more intelligible basis.

CURRENT ENGLISH CASES.

The Law Reports for April comprise (1893) 1 Q.B., pp. 373-521; (1893) P., pp. 57-85; and (1893) 1 Ch., pp. 491-617.

APPELLATION. APPEAL. LOSS OF PROFITS.

In re Kirkleatham, (1893) 1 Q.B. 375, the case of *In re Knight & The Tabernacle Building Society*, (1892) 2 Q.B. 612 (noted *ante* p. 14), is distinguished. In this case an arbitrator had made an award, subject to the opinion of the court, on a certain question of law, and it was held by the Court of Appeal (Lindley, Bowen, and Smith, L.JJ.) that the decision of the Divisional Court on this question was appealable. Bowen, L.J., says that in the *Knight* case the arbitrator had not stated his award in the form of a special case, but had asked the opinion of the court by way of interlocutory proceeding, in order to assist him to form his judgment. While in that case, therefore, the order of the Divisional Court would not be an effective determination of the rights of the parties, in the present case it was. On the merits, the Court of Appeal affirmed the decision of the Divisional Court, the question being whether upon fixing the value of water