

Q. B. STANNARD V. LEE AND ANOTHER.

*Contract—Conditions—Work not done “as rapidly and satisfactorily” as employer requires—Unreasonable and capricious requisitions—Power to re-enter—Deduction from money due—Penalty.*

On a contract to do work to the satisfaction of the engineer of the employers, with a condition that if the works should not proceed as rapidly and satisfactorily as required by them they should have power to re-enter, employ additional men to complete the works, and charge the expense to the contractor,

*Held*, that it the works were not proceeding as rapidly and satisfactorily as they required they could enforce the conditions, and (it not appearing that they had acted *malâ fide*), the contractor could not aver that they had done so “capriciously” and “unreasonably.”

EX. BRUCE V. JONES.

*Ship—Marine insurance—Policy—Contract of indemnity—Several policies.*

In an action on a policy of marine insurance, it was proved that the ship was insured in several policies, and that the owner had recovered a large portion of the value of the ship under some of these policies. The judge directed the jury that the plaintiff of the action could only recover the difference between the value in the ship and the sum recovered under the other policies.

*Held*, that the direction was right.

### CHANCERY.

V. C. S. POSTGATE V. BARNES.

*Married woman—Husband defendant—“When he shall come within the jurisdiction”—Pleading—Negative plea—Answer.*

A married woman by her next friend filed a bill for an account and settlement of property, which she claimed as next of kin of her father. She alleged that she believed her husband was abroad, and made him a defendant, “when he shall come within the jurisdiction.” Demurrer for want of equity and want of parties overruled.

The bill alleged that the intestate died possessed of real property, consisting of freehold land at places therein described, and prayed for an enquiry as to the real estate.

*Plea*, that the intestate was not seized or possessed of or entitled to any real estate whatsoever.

*Held*, a good plea, although unaccompanied by an answer.

V. C. K. ROSE V. SHARROD.

*Practice—Trustee’s costs—Assignee of married woman—Separate receipt.*

When a married woman is entitled to a life interest to her separate use, under her marriage settlement, her receipt alone to be a sufficient discharge, that is not a restraint upon anticipation; but where the trustees, upon the clause as to the separate receipt, consider it so far doubtful that they refuse to pay, either to the married woman or her assignee, and a bill is filed, they are still entitled to their costs in priority.

### REVIEWS.

The EDINBURGH REVIEW FOR JANUARY (Leonard, Scott & Co.) is at length come to hand. The contents are unusually heavy, but withal readable. The first paper on thermo-dynamics establishes that the great agencies of heat, light, electricity and magnetism, which produce such wondrous changes on the face of the globe, are but expressions in different language of one and the same great power. The second is a review of Charles Merivale’s History of the Romans under the Empire. The third is a review of some recent French memoirs, containing a daily record of the monotonous grandeur of Versailles for forty-four years. The fifth deals with a

vast topic—the progress of India. The sixth deals with Dean Milman’s history of the Jews and Dean Stanley’s lectures on the history of the Jewish Church. The remaining papers are headed—Scottish religious houses abroad—The Negro race in America—Fronde’s history of England, and a very suggestive paper on Ireland and Irish emigration.

GODEY’S LADY’S BOOK. The number for April is before us. This magazine reaches us with unerring regularity. The number for April opens with another fashion plate from the celebrated house of A. T. Stewart & Co. of New York. It contains besides a Dinner Dress, L’Elegante, four different styles of Head Dresses, Carlet a Bretelles, Carsage on Mouseline, and about sixty other engravings of fashions and fashionable work, besides the usual amount of entertaining and instructive reading matter.

### APPOINTMENTS TO OFFICE, &c.

#### JUDGES.

The Honorable WILLIAM HUME BLAKE, late Chancellor of Upper Canada, to be a judge of the Court of Error and Appeal for Upper Canada, to take rank and precedence therein next after the Chief Justice of the Court of Common Pleas for the time being. (Gazetted March 12, 1864.)

#### SHERIFFS.

ROBERT NEEDHAM WADDELL, Esquire, to be Sheriff of the United Counties of Northumberland and Durham, in the room and stead of James Bonwell Fortune, Esquire, removed. (Gazetted March 12, 1864.)

CHARLES DICKENSON, Esquire, to be Sheriff of the United Counties of Leeds and Grenville, in the room and stead of Adiel Sherwood, Esquire, resigned. (Gazetted March 12, 1864.)

#### CLERKS OF THE CROWN.

LAURENCE HEYDEN, Esquire, to be Clerk of the Crown and Pleas of the Court of Queen’s Bench of Upper Canada, in the room and stead of Charles Coxwell Small, Esquire, deceased. (Gazetted March 20, 1864.)

MAUNSEL BOWERS JACKSON, Esquire, to be Clerk of the Crown and Pleas of the Court of Common Pleas of Upper Canada. (Gazetted March 26, 1864.)

#### COMMISSIONERS.

JASPER T. GILKISON, of Brantford, CHARLES THOMAS DUPONT, of Manitowlin Island, and WILLIAM LIVINGSTON, of Delaware, Esquires, to be Commissioners under the provisions of Cap. 81 of the Consolidated Statutes of Upper Canada. (Gazetted March 20, 1864.)

#### CORONERS.

TITUS CROOKER, of Milton, Esquire, M.D., Associate Coroner, County of Halton. (Gazetted March 12, 1864.)

JAMES MCINTOSH, of Martintown, Esquire, M.D., Associate Coroner, United Counties of Stoumont, Dundas and Glengarry. (Gazetted March 12, 1864.)

DANIEL FORREST, of Collingwood, Esquire, Associate Coroner, County of Simcoe. (Gazetted March 12, 1864.)

WILLIAM CLARKE, of Paris, Esquire, M.D., Associate Coroner, County of Brant. (Gazetted March 12, 1864.)

EDWIN WILLIAM TEGART, of Scotland, Esquire, M.D., Associate Coroner, County of Brant. (Gazetted March 12, 1864.)

DAVID BONNER, of Fleshington, Esquire, M.D., Associate Coroner, County of Grey. (Gazetted March 26, 1864.)

EDMUND BURKE DONNELLY, of Windsor, Esquire, M.D., Associate Coroner, County of Essex. (Gazetted March 26, 1864.)

WILLIAM NICOLSON ROSE, of Newcastle, Esquire, M.D., Associate Coroner, United Counties of Northumberland and Durham. (Gazetted March 26, 1864.)

#### NOTARIES PUBLIC.

JOHN GEARY, of London, Esquire, Attorney-at-Law, to be a Notary Public in Upper Canada. (Gazetted March 12, 1864.)

THOMAS HODGINS, of Toronto, Esquire, LL.B., Barrister-at-Law, to be a Notary Public in Upper Canada. (Gazetted March 12, 1864.)

WILLIAM HENRY ARCHER, of Yorkville, Esquire, to be a Notary Public in Upper Canada. (Gazetted March 12, 1864.)

MICHAEL O’DRISCOLL, of Pembroke, Esquire, Attorney-at-Law, to be a Notary Public in Upper Canada. (Gazetted March 12, 1864.)

EDWARD G. MALLOCH, of Perth, Esquire, to be a Notary Public in Upper Canada. (Gazetted March 20, 1864.)

ROYAL PLATT HURLBUT, of Warkworth, Esquire, to be a Notary Public in Upper Canada. (Gazetted March 20, 1864.)

### TO CORRESPONDENTS.

“A CLERK OF D. C.”—“J. M.”—Under “Division Courts.”

“J. B.”—“VIRIAN”—“AN OLD AND OBLIVION FRIEND OF THE U. C. L. J.”—

“A LAW STUDENT”—“AN OLD SUBSCRIBER”—“A. B.”—Under “General Correspondence.”