

Court of Appeal (Williams, Stirling, and Cozens-Hardy, L.JJ.) considered that the defendants should pay the costs of the issue on which the plaintiff succeeded.

**LOAN ON FORGED SECURITY—VOLUNTARY PAYMENT BY THIRD PARTY TO INDEMNIFY LENDER AGAINST LOSS—RIGHT OF LENDER TO PROVE FOR WHOLE DEBT WITHOUT DEDUCTION OF VOLUNTARY PAYMENT BY THIRD PARTY.**

*In re Rowe* (1904) 2 K.B. 483, although a bankruptcy case, involves a novel point of general interest. A bankrupt had borrowed £16,500 on a security which proved to be forged. A former partner of the bankrupt, who was in no way liable for the loan, voluntarily paid the lender £6,500 in respect of the loss which he had sustained. The lender claimed to prove for the full £16,500 against the bankrupt's estate without any deduction, and Buckley, J., held that he was entitled to do so, as the payment of £6,500 was not made on account of either the debt or the debtor, and the Court of Appeal (Williams, Stirling, and Cozens-Hardy, L.JJ.) affirmed his decision.

**PUBLIC AUTHORITIES' PROTECTION—LIMITATION OF ACTION—PUBLIC AUTHORITIES' PROTECTION ACT, 1893 (56 & 57 VICT. C. 61) s. 1—(R.S.O. c. 88, s. 1).**

*Parker v. London* (1904) 2 K.B. 501, was an action brought against the London County Council for damages sustained by the plaintiff as a passenger on one of the defendants' tram cars, and it was pleaded by the defendants that they were entitled to the benefit of the Public Authorities' Protection Act, 1893, s. 1 (see R.S.O. c. 88, s. 1), and that the action was thereunder barred because not commenced within six months from the neglect complained of. The point of law was argued before Channell, J., who held that the Act applied. It may be observed that there is an important difference between the English and Ontario Acts, and that while the former Act applies not only to anything done in the performance of a public duty, as does the Ontario Act, it also expressly applies to any alleged neglect or default in the execution of any statute, duty or authority, which the Ontario Act does not. So far as actions against municipalities in Ontario, in respect of the neglect to repair roads, etc., are concerned, there is the limitation prescribed by the Municipal Act, s. 606 (1).