

on the evidence of the two attesting witnesses, one of whom in the present action retracted the evidence formerly given by him, and swore in effect that the signatures of the testator and witnesses had been forged. The other attesting witness was not called on, but his absence was held to be sufficiently accounted for. Notwithstanding the above evidence, the court below had disbelieved the witness, and had confirmed the probate, and the Judicial Committee (Lords Hobhouse, Morris and Davey, and Sir R. Couch) affirmed the decision. The evidence in support of the alleged want of testamentary capacity merely consisted of proof that the testator was eccentric in his acts and conduct, and in the opinion of the committee was wholly insufficient.

FRAUDULENT PREFERENCE—CONVEYANCE TO MAKE GOOD BREACH OF TRUST.

Sharp v. Jackson (1899) A.C. 419, is the case known in the courts below as *New Prance & Gerrard's Trustee v. Hunting* (1897) 1 Q.B. 607 and 2 Q.B. 19 (noted ante, vol. 33, pp. 520, 649). It may be remembered that the sole point was whether a conveyance of property made on the eve of insolvency by a trustee who had committed breaches of trust, in order to make good to his cestui que trust such breaches of trust, without any pressure or request by the cestui que trust, was a fraudulent preference within the meaning of the Bankruptcy Act. The Court of Appeal held that it was not, and the House of Lords (Lord Halsbury, L.C., and Lords Macnaghten, Morris and Shand) now affirm that decision.

PRACTICE—JURISDICTION—SERVICE OF WRIT—FOREIGN CORPORATION DOING BUSINESS IN ENGLAND—AGENT—OFFICER—RULE 55—(ONT. RULE 159).

In *La Compagnie Générale Transatlantique v. Law*,—*La Bourgogne* (1899) A.C. 431, the House of Lords (Lord Halsbury, L.C., and Lords Macnaghten, Morris and Shand) gives its approval to the decision of the Court of Appeal (1899) P. 1 (noted ante, p. 187) that where a foreign corporation does business in England in such a way as to be resident there, it may be sued there and the writ may be served on its officer in England.

CERTIORARI—JURISDICTION OF INFERIOR COURT.

Skinner v. Northallerton C.C. Judge (1899) A.C. 439, may be usefully referred to on the practice as to certiorari. A judge of the County Court had, in a bankruptcy proceeding pending before