Mr. Dalton, Q.C.] [Sept. 30.

CRANDELL v. CRANDELL.

Alimony—Costs against plaintiff.

The plaintiff, in an alimony suit, registered a certificate of *lis pendens* against the lands of the defendant.

Upon the defendant's motion to discharge the *lis pendens*.

The MASTER IN CHAMBERS made the order with costs against the plaintiff to be deducted from the payments (if any) for *interim* alimony.

Smoke, for the defendant.

Hoyles, for the plaintiff.

Rose, J.]

FREEMAN v. ONTARIO AND QUEBEC RAILWAY.

Award—Execution by Arbitrators.

This was a motion for an order directing payment out of Courts of moneys deposited there in proceedings under the Consolidated Railway Act, 1879, 42 Vict. ch. 9.

The defendants opposed the motion on the ground that award was invalid, having been signed by two of the arbitrators without notice to the third as required by sec. 9, sub-sec. 17 of the Act.

C. H. Ritchie, for the plaintiff.

H. Cameron, Q.C., for the defendants.

ROSE, J., after discussing the evidence adduced held that the award in this case was made at a meeting held at a time and place to which a meeting at which the third arbitrator was present, had been adjourned, and therefore the statute had been complied with. He referred to *In re Templeman* v. *Read*, 9 Dowl, 964, where Coleridge, J., states the law thus: "The principle on which this case must be decided is quite clear; the parties are desirous of having their disputes settled by a unanimous award of three, and no award of two can be good until the third has had a full opportunity of joining in it, and has declared his dissent from it, or withdrawn him from the reference. . . . Courts of law will always construe awards and bear motions respecting them, with a desire to sustain the judgment of the tribunal which the parties have selected," and concluded as follows: I think acting upon such rule and no case having been found going the length I am asked to go and believing that Mr. Kingsmill had full opportunity of joining in the award, and did declare his dissent from it and withdraw from the reference. Remembering that he received his fees without protest against the action of his brother arbitrators; that the Company made a motion against the award without raising this point, although a perusal of the facts in the Norval case could hardly fail to suggest it. I am convinced that the objection is an afterthought and should not be received with favour. I will leave it to a higher Court, to lay down a rule of law (if one is to be laid down on facts such as these) which will deprive this claimant of her award. I cannot assume the responsibility. The order will be made absolute with costs.

BOOK REVIEWS.

A LAW TREATISE ON THE CONSTITUTIONAL POWERS OF PARLIAMENT AND OF LOCAL LEGISLATURES, UNDER THE BRITISH NORTH AMERICA ACT, 1867. By J. Travis, Esq., LL.B., of the New Brunswick Bar. St. John, New Brunswick: *Sun* Publishing Co'y, 1884.

THE author on his title page makes no display of modesty, for he there sets out a long train of personal dignities or titles which, if attached to an ordinary lawyer, would necessitate the employment of a train-bearer. Inside the cover of the book may be discovered a mass of printing liberally interspersed with small capitals, italics, notes of admiration, and other modes of emphatic appeal to a careless reader's attention. Of calm or lucid argument there is little; of vigorous vulgarity, interspersed with sundry bursts of sarcasm, there is abundance, which, with venturesome vehemence, the author hurls against what he is pleased to call "pretentious and utterly absurd" arguments. In one place he struggles with the "crude absurdities" of a certain author, and though he tells us he does not wish "to take up time and space with any further consideration of that dreadfully weak publication," yet he devotes several pages to a consideration of its arguments, and finally annihilates the author with a sneer.

Taking an introductory sample of his style of criticism, we find on page 114 a reference to a rule of construction which the author says has been persistently denied or misunderstood "by judges who, though overflowing with pretension, are so ignorant of law that of one of the most ignorant and pretentious of them it is said (on the authority