

sion, and he might take a note of these suggestions, amongst others, by the way. Perhaps, however, the most effectual remedy that could be devised for the many defects, known and unknown in this Act, would be to repeal it *in toto*, and replace it with a more carefully prepared measure, dealing only with admitted defects.

DEATH OF JUDGE SMALL.

The Hon. James E. Small, Judge of the County Court of the County of Middlesex, died at London on the 27th instant. He was member of the Executive Council and Solicitor General for Upper Canada from the 30th March, 1842, to 27th November, 1843, and was appointed County Judge on 22nd October, 1849, during the LaFontaine-Baldwin administration.

MAGISTRATES, MUNICIPAL, INSOLVENCY, & SCHOOL LAW.

NOTES OF NEW DECISIONS AND LEADING CASES.

INDICTMENT—OWNERSHIP OF CHATTELS.—The prisoner was indicted for stealing the cattle of R. M. At the trial R. M. gave evidence that he was nineteen years of age; that his father was dead, and the goods were bought with the proceeds of his father's estate; that his mother was administratrix, and that the witness managed the property, and bought the cattle in question. On objection that the property in the cattle was wrongly laid, the indictment was amended, by stating the goods to be the property of the mother. The case proceeded, and no further evidence of the administrative character of the mother was given, the County Court Judge holding the evidence of R. M. sufficient, and not leaving any question as to the property to the jury:

On a case reserved, *Held*,

1st. That there was ample evidence of possession in R. M. to support the indictment without amendment.

2nd. That the Judge had power to amend under Con. St. C. ch. 99, s. 78.

3rd. That the conviction on the amended indictment could not be sustained, as the Judge had apparently treated the case as established by the fact of the cattle being the mother's property in her representative character, of which there was no evidence; nor was any question of ownership by her, apart from her representative character, left to the jury.—*The Queen v. Jackson*, 19 U. C. C. P. 280.

SIMPLE CONTRACTS & AFFAIRS OF EVERY DAY LIFE.

NOTES OF NEW DECISIONS AND LEADING CASES.

EXECUTORS AND TRUSTEES.—Executors and trustees may be charged with interest as well as principal in respect of sums lost through their misconduct, though the principal never reached their hands.

Where an executor saw the estate wasted from time to time by his co-executrix and an agent she had appointed, and took no steps to prevent the same, he was charged with the loss.—*Sovereign v. Sovereign*, 15 Chan. Rep. 559.

MENTAL CAPACITY—IMPROVIDENT CONVEYANCE.—The owner of land, who had become utterly abandoned to drunkenness, created a mortgage thereon for about one-fourth of its value; and within a year afterwards the mortgage obtained from him an absolute conveyance of the land, for a very trifling, if any, further consideration than the mortgage debt, in which conveyance his wife joined to bar her dower, and the same was executed by the husband and wife in the presence of their son. The evidence shewed that the grantor from his habits had become incapable of properly understanding business transactions.

The Court under the circumstances, although after great delay in taking proceedings, gave him relief against the deed, although in the meantime three of the persons present at the execution thereof—one of them the son of the grantor—had died; the Court assuming for the purposes of the decision that the parties, other than the son, would have testified to their belief in the sobriety and intelligence of the grantor.—*Crippen v. Ogilvie*, 15 Chan. Rep. 490.

PATENT—SIMPLICITY OF INVENTION—PRIOR USE.—The invention of an inclined plane in a certain form and position, as a means or appliance for directing a tool cutter, so as to produce spiral or curved grooves in a roller, was *held* a proper subject for a patent; the simplicity of a new contrivance being no objection to a party's right to a patent for it.

A machinist invented a machine in which an inclined plane was applied for a novel purpose; he contemplated further improving his invention, but meanwhile made use of it in his workshop. Five years or more afterwards he adopted or invented a contrivance which was not new, but which, in connection with the inclined plane, increased greatly the value of the machine; and he then took out a patent for the improved machine.