limited than increased the number of persons allowed to be relators by 12 Vic. cap. 18, s. 146.

The Legislature having provided a cheap, speedy and convenient remedy, the court will not in general allow parties to resort to the more expensive one, by obtaining leave to file an information in the nature of a *quo warranto*, which existed before the passing of our municipal acts; and parties aggrieved will generally be confined to the relief to be obtained under the statute: (*In re Kelly* v. *Macarow*, 14 U. C. C. P. 457.)

LARCENY — ADULTERER. — The prisoner was indicted for stealing certain chattels from his master, whilst in his employment. It was proved that he went off with his master's wife, *animo adulterii*, and knowingly took his master's property with him. It was objected for the prisonor that he was acting under the control of his mistress, who could not be charged with stealing from her husband, and that therefore the charge could not be sustained. He was, however, convicted, and the court sustained the conviction: (*In re Mutters*, 13 W. R. 326.)

MAGISTRATE—NOTICE OF ACTION—JURISDICTION—BONA FIDES.—A justice of the peace is entitled to notice, even though he has acted as such without jurisdiction. Where it was clear that defendant had acted as a justice, having made a conviction, and issued a warrant under it, and there was no evidence of malice except the want of jurisdiction, *held*, not necessary to entitle him to notice that it should be left to the jury to say whether he acted in good faith: (*Bross* v. *Huber*, 18 U. C. Q. B. 282.)

In an action for a penalty against a defendant for acting as a justice of the peace, without qualification, &c., the defendant is not entitled to notice of action: (*Crabb, qui tam* v. *Longworth*, 4 U. C. C. P. 283.)

SIMPLE CONTRACTS & AFFAIRS OF EVERY DAY LIFE.

NOTES OF NEW DECISIONS AND LEADING CASES.

RAILWAY ACCIDENT — PLAINTIFF WRONGFULLY IN THE BAGGAGE CAR—CONTRIBUTORY NEGLIGENCE—EXCESSIVE DAMAGES.—The plaintiff travelling in defendants' train with a passenger ticket, went into the express company's compartment of a car, of which the other two compartments were for the post-office and the baggage. While there, owing to the negligence of the defendants' servants, the train, which was stationary, was run into by another coming up behind it, and the plaintiff's arm was broken. The compartment in which he was, was not intended for passengers, but it appeared that they frequently went in there to smoke, and that the conductor had twice passed through it while the plaintiff was there without making any objection. No person in the passenger cars was seriously injured. It was proved that a printed notice that passengers were not allowed to ride upon the baggage car was usually posted up on the inside of each door of the passenger cars, and on the door of the baggage car, but it was not distinctly shewn that it was there on that day. The jury found that the plaintiff was wrongfully in the car, but that he was not told where to go when he bought his ticket, nor did the conductor order him out; and so, that he was not to blame.

Held, that assuming the plaintiff was aware of the notices, and nevertheless went into the baggage car, the defendants were not thereby excused under all circumstances; and that the jury were warranted in finding that the plaintiff did not act so negligently as to prevent him from recovering, the collision having resulted entirely from defendants' gross negligence.

But the jury having given $2,000 damages, and the evidence as to the injury being very loose, no medical witness having been called, the court granted a new trial on payment of costs: (*Watson* v. *The Northern Railway Company of Canada*, 24 U. C. Q. B. 98.)

COUNSEL AND CLIENT—WITHDRAWAL OF COUNSEL—WHEN PERMITTED.—When a party appears in court by counsel, and the cause is on, and the counsel has been fully seised of it, his authority cannot be revoked by his client, so as to give the client a right himself to address the court. But if counsel is not seised, as, when upon a motion, the hearing has proceeded no further than the reading of affidavits to the court, he may at the instance of his client be permitted to withdraw, and the client himself be heard: (*Reg.* v. *Maybury*, 11 L. T. Rep. N. S. 566.)

INFANT—GUARDIAN—RELIGIOUS EDUCATION.—In the absence of other circumstances materially to the benefit of an infant, the court will direct it to be educated in the religion of its father.

The importance of educating a child in the religion of its father is not, however, so great as to induce the court to deprive it of the care of its mother: (*Austin* v. *Austin*, 13 W. R. 332.)

NEGLIGENCE—COMPENSATION UNDER CON. STAT. U. C. CAP. 78.—In actions under Lord Campbell's act, 9 & 10 Vic. cap. 93 (from which our act