

in any other year. In September, 1876, he wrote again as follows: "Since the present year, I find myself in a more hopeful sphere which, as soon as the general commercial crisis gives way, will render to me more than necessary for a living." It did not appear that the "general commercial crisis" had, in fact, "given way." *Held*, that the claim was not saved by these letters from being barred.—*Meyerhoff v. Froehlich*, 4 C. P. D. 63.

Partnership.—Two women, C. and W., became partners in business in London, in 1875, under the firm name of C. & W. In 1877, C. married one L. In 1878, the partnership was dissolved, and it was ordered by the Court that "the said partnership business, and the leasehold premises, trade, fixtures, stock-in-trade, goodwill, and business be forthwith sold as a going concern" to the partner who should bid the highest. W. was the purchaser, and she afterwards carried on business under the old style. The deed of assignment contained the clause, "including the right to represent that the business as recently carried on by C. & W. is now being carried on by the said W." *Held*, that W. could not be enjoined from using the old firm name; and per James, L. J., that the assignment conveyed the right to its use.—*Levy v. Walker*, 10 Ch. D. 436.

Right of Way.—By a public Act, a corporation was empowered to build a pier according to plans. It was alleged that, if the pier was built in the manner provided by the Act, a certain public right of way would be thereby rendered unavailable for public use. *Held*, that, if that were the case, the Act must be held to have extinguished the right of way by implication, though no reference was made to the matter in the Act.—*Corporation of Yarmouth v. Simmons*, 10 Ch. D. 518.

Sale.—A man brought pigs into market, and sold them with all faults and expressly without warranty. They turned out to have typhoid fever, and died on the purchaser's hands, and infected his other pigs. The acts of the seller amounted to a breach of a statute prohibiting such sale in market of infected animals, and inflicting a penalty. *Held*, that the existence of the Statute did not raise an implied representation that the pigs were sound, and the purchaser had no remedy.—*Ward v. Hobbs*, 4 App. Cas. 13; 8 C. 2 Q.B.D. 331; 3 Q.B.D. 150.

GENERAL NOTES.

THE POWER OF THE MACE.—Rather an unusual circumstance took place in the Imperial House of Commons on Thursday 1st May, the result of which gives us a little insight into the value of that article of hitherto mythical influence, "The Speaker's mace." We learn from the *Globe* that Sir Julian Goldsmid, being chairman of a select committee of the House, and apparently disinclined to assist in "making a House" to facilitate the discussion of the Irish Saturday Closing Bill, Sir Julian was tempted to test the Speaker's authority. He, therefore, inquired of the Sergeant-at-Arms, who had summoned him, what would be the consequence of his refusing to come, and was puzzled by the Sergeant's intimation that in that case he would "have to return with the mace." All readers of Hatsell's *Precedents* are aware of the mysterious power the mace possesses for the transmutation of the Assembly to which it belongs. "When the mace lies upon the table it is a House; when under, it is a committee. When the mace is out of the House, no business can be done; when from the table, and upon the Sergeant's shoulder, the Speaker alone manages." So declared that excellent authority more than sixty years ago. But if, when the mace is out of the House, no business can be done in the House, it is nevertheless clear that much business can be accomplished at the spot to which the mace itself has gone. Mr. Brand reminded the Commons that "on the appearance of the mace in any committee, that committee is dissolved, of course." So that any committee refusing to come and make a House, when Mr. Speaker wants to take the chair and get to business, does so upon pain of instant extinction. Speaker Abbott, whose manuscript book on the usage of the House was quoted by Mr. Brand in support of this employment of the mace, had opportunities of knowing the limits of his office. In 1806, he gave that famous casting vote which condemned Lord Melville for misconduct as Treasurer of the Navy, and inflicted on Mr. Pitt the defeat which has been said to have hastened his death; and it was he who, in 1823, called upon Canning to retract the charge of falsehood he had hurled at Brougham on the memorable occasion when it was moved that both Canning and Brougham be taken into custody by the Sergeant-at-Arms. The written law of the mace, as compiled by Speaker Abbott, has been the guide of several generations of his successors.—*English paper.*