

nary shareholders, and, as between them, Kekewich, J., held that the claim of the former must prevail, and that the fund in question was applicable to the payment of the preference dividends, rather than to the payment of a deficit on the capital account.

The Law Reports for August comprise (1895) 2 Q.B., pp. 173-238; (1895) P., pp. 273-286; (1895) 2 Ch., pp. 273-467; (1895) A.C., pp. 325-456.

PRACTICE—MORTGAGE DEBT, ACTION FOR—RECEIVER—SPECIAL INDORSEMENT—LIQUIDATED DEMAND—SPEEDY JUDGMENT—ORD. XIV. (ONT. RULE 739).

In *Lynde v. Waitham*, (1895) 2 Q.B. 180; 14 R. Aug. 217, the action was brought to recover a mortgage debt, and the demand was specially indorsed. The mortgage deed contained a power enabling the mortgagee to appoint a receiver of the rents and profits, which had been done before action. The plaintiff applied for an order for speedy judgment under Ord. xiv. (Ont. Rule 739), and the Court of Appeal (Lord Esher, M.R., and Kay and Smith, L.JJ.), although holding that the fact of a receiver having been appointed did not prevent the court from making an order for judgment under Ord. xiv., yet held that, as there appeared to be a *bona fide* dispute as to the state of the account, the defendant should have leave to defend.

DEFAMATION—PRIVILEGED COMMUNICATION—COMMUNICATION BY OFFICER OF STATE IN COURSE OF DUTY—VEXATIOUS ACTION.

*Chatterton v. Secretary of State for India*, (1895) 2 Q.B. 189; 14 R. Aug. 232, was an action for libel, contained in a communication made by the Secretary of State for India to an under-secretary, reflecting on the plaintiff. The action, on the filing of the statement of claim, was, on the defendant's application, dismissed as vexatious, and the Court of Appeal (Lord Esher, M.R., and Kay and Smith, L.JJ.) upheld the order, holding that the communication was absolutely privileged, and that it was not competent for the court to entertain the action at all, or to inquire whether or not the defendant acted maliciously.

GAMING—PLACE USED FOR BETTING—CLUB—BETS BETWEEN MEMBERS OF A CLUB—"BETTING WITH PERSONS RESORTING THERETO"—BETTING ACT, 1853 (16 & 17 VICT., C. 119), SS. 1, 3—(CR. CODE, S. 197).

In *Downes v. Johnson*, (1895) 2 Q.B. 203; 15 R. Aug. 276, an appeal was brought from the decision of a magistrate refusing to