be construed as applying to the bickerings referred to, and that there had not been an accord and satisfaction. This decision was upheld by a majority of judges. At p. 42 Ritchie, C. J., "observes that in such cases the Court, unless satisfied, beyond a reasonable doubt that what is put forward as an accord and satisfaction was intended by both parties as such, and that there was an acceptance in satisfaction as an act of the will of party receiving, should not, by a doubtful construction, deprive a plaintiff of an unquestionable legal right which accord and satisfaction assumes he has."

The next case requiring notice here, is the *Mutual Fire Ins. Co.* v. *Frey*, in which it was held on appeal from our Court of Appeal, (1.) That a policy issued by a mutual insurance company is not subject to the Uniform Conditions Act, R. S. O., c. 162, thus upholding the former decision of our Appeal Court (5. App. 87) in *Ballagh* v. *Loyal Mutual Ins. Co.* (2.) That the company under the policy (R. S. O., c. 161, sec. 56) were entitled to three months from the date of the furnishing of claim papers before being subject to an action, and that therefore respondent's action had been prematurely brought.

Lastly, we have the case of *Larue* v. *Desluariers*. This case decides what Fournier J., calls "a very important question" as to the proper interpretation of sec. 48 of the Dominion Controverted Election Act of 1874. This section, after giving a right of appeal to the Supreme Court, and fixing the mode of giving notice of appeal, gives to the appellant the right of limiting his appeal in these words:—"In and by which notice the said party so appealing may, if he desires, limit the subject of the said appeal to any special and defined question or questions; and the appeal shall thereupon be heard and determined by the Supreme Court, which shall pronounce such judgment upon questions of law or of fact, or both, as in the opinion of the said Court ought to have been given by the Judge, whose decision is appealed from, * * * and the Registrar shall certify to the Speaker of the House of Commons the judgment and decision of the Court upon the several questions, as well of fact as of law, upon which the Judge appealed from might otherwise have determined and certified his decision in pursuance of the said Act, in the same manner as the said Judge should otherwise have done, etc." And the question which now came up for decision was whether, after a first appeal, in which the right of appeal has been limited to certain questions of law or of fact, a second appeal may be had on that part of the case which was withdrawn from the consideration of the Court in the first appeal? In other words, could this Court, under the existing law, at the time of the first appeal, send it back to the lower Court? Should it not rather have reported a final judgment to the Speaker? (See per Fournier, J., 106.

The majority of the court decided that the Supreme Court on the first appeal, could not, even if the appeal had not been limited to the question of jurisdiction, as it was, have given a decision on the merits, because no judgment on the merits had been given in the Court below, and that the order of the Court remitting the record to the proper officer of the Court *a quo* to be proceeded with according to law (for this was the order made on the first appeal), gave jurisdiction to the judge below to proceed with the case on the merits, which latter judgment was properly appealable under the said sec. 48 of Supreme Court Act.

It may be observed also that the opinion is expressed in some of the judgments, as per Ritchie, C. J., p. 102, per Taschereau, J., p. 124, that an Appellate Court in election cases ought not to reverse on mere matters of fact the findings of the Judge who has tried the petition, unless the Court is convinced beyond doubt that his conclusions are erroneous and the observations made to this effect in *Somerville* v. *Laflamme*, 2 S. C. 260, and