

## RECENT ENGLISH DECISIONS—SELECTIONS.

ings, as distinguished from exercising any jurisdiction over him. The procedure in this Province is different from the English in this respect: the latter requires an order authorizing service out of the jurisdiction before the service is effected; in this Province the service is effected, and an order must then be obtained for its allowance. This case appears to be an authority on a motion for allowance of a service effected abroad, and it may hereafter become a question whether the Ontario Rules have had the effect of superseding the provisions of R. S. O. c. 40, ss. 93, 94. We are inclined to think that, there having been no express repeal of this statute, it would be held that the practice under it has been preserved.

## VENDOR AND PURCHASER—EXPROPRIATION—POSSESSION.

*Bygrave v. Metropolitan Board of Works*, 32 Chy. D. 147, is a case from which it appears that where a public body has power to expropriate and take possession of lands it must do so in the manner pointed out by the statute, and that the Court has no jurisdiction in a suit, by analogy to the procedure provided by such Act, to make an order for delivery of possession otherwise than according to the usual course of the Court. The plaintiff in the action, being lessee of the premises in question, which were required by defendant for a street improvement, contracted to sell them to the defendants. The latter subsequently found that the lease was terminable at the option of the lessor at the end of seven, or fourteen years, whereupon the defendants claimed an abatement in the purchase money, which the plaintiff refused, and brought the action for specific performance. The defendants applied *pendente lite* for an order for delivery of possession on payment into Court of the whole purchase money claimed by the plaintiff; Pearson, J., made the order, but it was reversed by the Court of Appeal.

## SELECTIONS.

## LIBELLING A WIFE.

All along the line of English speaking and common law peoples there has been a steady improvement in the legal *status* of married women, but it seems that, in some respects, the old original mother country lags behind the rest of the family. The *Solicitor's Journal* of London, in a recent issue, comments upon a ruling which well illustrates this proposition. It seems that the parties in question after living together as man and wife separated, and the woman supported herself by her own labour as a vocalist. The man published what, for the purposes of the case, was conceded to be a defamatory libel, to the effect that the woman was not his wife at all, but had been his mistress. She applied for a rule for a criminal proceeding against her husband for the libel, but the Court discharged the rule upon the ground that a criminal proceeding for libel is not "a proceeding for the protection and security of the separate property" of the wife, and that this latter was the only "proceeding" which, under existing laws, a wife can institute against her husband. The "fair fame" of the applicant was not, according to the ruling of the learned judges, her "separate property," nor indeed does it appear that they considered it property at all. Shakespeare says, it is "the immediate jewel of our souls," but whether Shakespeare is authority in English Courts we cannot presume to say. Certain it is, that in its most prosaic sense "fair fame," is recognized by the Courts as property, for of the good will of a business, which is fully recognized as property, the good character of the tradesman is the most valuable and indispensable constituent. *A fortiori* is this the case when a woman is engaged in business. A milliner's trade may be ruined by charges, not that she makes "frightful" bonnets, but that she is personally impure; a school-room