

rizing the B. & N. H. R. W. Co. to enter into a deed of amalgamation with the defendants or any other railway company, subject to the ratification and approval of a majority of the shareholders at a public meeting called for such purpose. On the same day a similar act, 42 Vict. ch. 57, O., was passed authorizing the amalgamation of the defendants with the B. & N. H. R. W. Co. On 29th June, 1880, a deed of amalgamation was entered into between the two companies under defendants' name, which was on the same day ratified and approved of by a meeting of shareholders. By the terms of the deed certain clauses of the Imperial Railway Clauses Act of 1878, 26 & 27 Vict. ch. 92, under the heading "amalgamation" were incorporated therewith. Sec. 42 of said Imperial Act, provides that causes of action arising before amalgamation shall be valid and effectual against the amalgamated company; and sec. 43 provides that suits pending against the dissolved companies shall be continued against the amalgamated company. The plaintiff had no notice or knowledge of the deed of amalgamation or of its contents. On the 4th March, 1881, the Act 44 Vict. ch. 64, O., was passed, by sec. 1 of which the said deed of amalgamation was declared legal and valid, and that the two companies should be amalgamated and united under the said defendants' name in the terms of the said deed. The terms of the decree not having been carried out, the plaintiff brought this action against the defendants to enforce it.

Held, that there was no complete amalgamation of the two companies until the passing of the 44 Vict. ch. 44, O., so that the B. & N. H. R. W. Co. had not ceased to exist when the decree was made, and that it was therefore legal and valid; and that the plaintiff was entitled to enforce it against the defendants.

G. D. Dickson, Q. C., for the plaintiff.

Moss, Q. C., for the defendants.

RE BOTHWELL ELECTION CASE.

Contempt of court—Election law.

On an application on behalf of the respondent H. to an election petition for an order *nisi* calling on the defendant to shew cause why he should not be committed for contempt of court, for publishing in his newspaper, during the currency of an election petition, filed on his behalf, and in which petition the conduct of the

returning officer was complained of, articles, reflecting on the respondent and the returning officer,

Held, that on the materials before the court a *prima facie* case of contempt was made out, but as it appeared on the same materials that the respondent had attended and spoken at a meeting held for the purpose of approving of the conduct of the returning officer, and presenting him with a watch as a mark of such public approval, the applicant was also in fault, and the motion was therefore refused.

H. T. Beck for the motion.

RE JARRARD.

Extradition—Altering Public book—Evidence—Alteration—Forgery—Extradition Act of 1877, 45 Vic, ch, 25 D.—construction of.

The prisoner was collector of the county of Middlesex, in the State of New Jersey and kept a book for the entry of the payment and receipt of all moneys received by him as such collector, and which was the principal book of account kept by him. The book was purchased with the money of the county, and was kept in the said collector's office, and was left by him on the close of his term of office. It was open to the inspection of those interested in it, and contained the certificates of the county officials as to the matters therein contained.

Held, that the book was the public property of the county, and not the personal property of the prisoner.

After the said book had been examined by the proper county officers for that purpose, as to the amounts received and paid out by the prisoner as such collector, and a certificate of the same made by them, the prisoner, who was a defaulter with intent to cover up his defalcation, altered the said book by making certain false entries therein.

Held, that this constituted forgery at Common Law as well as under 32 & 33 Vic., ch. 19, D.

Held, also, that under the Extradition Act of 1870, 40 Vic., ch. 25, D., it is essential that the offence charged should be such as, if committed here, would be an offence against the laws of this country. The offence was also proved to be a forgery against the laws of New Jersey.

Osler, Q. C., for the prisoner.

E. Martin, Q. C., and *Fenton*, contra.