

REPORTS AND NOTES OF CASES.

Dominion of Canada.

LAKE QUEBEC COURT.

Burbidge, J.] THE KING v. CONNOR. [Jan. 26.

Subrogation—Partnership debt—Rights of one partner paying same.

Under the principles of the common law as it obtains in England and in Ontario a partner who pays a partnership debt cannot be subrogated to the rights of the creditor against his co-partner. (The law as applied in similar cases by the Courts of Quebec and of the United States discussed.)

Chrysler, K.C., and Bethune, for plaintiff. Aylesworth, K.C., Stockton, K.C., Gormully, K.C., Hogg, K.C., Murphy, J. F. Orde and A. Beament, for defendants.

Burbidge, J.] THE KING v. DODGE. [March 29.

Expropriation—Rifle range—Compensation—Witnesses led into error in their valuation—Report of Referee—Appeal from—Smaller assessment on appeal.

Where the witnesses, on whose evidence the referee seemed to rely, were in the opinion of the judge led into the error of applying to a large number of acres (in this case 623) a value which appeared to represent the value of a portion of the property, but not the whole, the amount of compensation recommended by the referee was reduced.

2. Where average values are applied to ascertain the value per acre of land taken by the Government, such average values should be applied with great care and moderation.

McIlreith, for plaintiff. Roscoe, K.C., for defendants.