

RECENT ENGLISH DECISIONS.

almost all the important cases in the eastern district.

His remains were taken to Belleville on October 25th last and there buried. The funeral was attended by an immense number of people desirous of paying their respects to one who had been for so many years an honoured citizen of his native place, and respected and loved for his good qualities by all who knew him.

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The *Law Reports* for October comprise 19 Q. B. D. pp. 357-509; 12 P. D. pp. 185-195; 36 Chy. D. pp. 1-112.

SHIP—GENERAL AVERAGE—DISCHARGE OF PART OF CARGO BEFORE COMMENCEMENT OF MEASURES FOR GETTING OFF SHIP, EFFECT OF.

The first case in the Queen's Bench Division to which we draw attention is *The Royal Mail Steam Packet Co. v. English Bank of Rio de Janeiro*, 19 Q.B.D. 362. In this case a steamer carrying with other freight a large quantity of specie ran aground and lay in a dangerous position. Soon after the vessel struck the master landed the specie, which weighed only about a ton and a half, and placed it in a place of safety, and it was ultimately forwarded to its destination by another vessel, but for the purposes of the case it was to be treated as having been conveyed by the stranded steamer. After the specie had been thus landed the master jettisoned part of the cargo, and had recourse to other extraordinary measures for getting off the vessel. These measures proved effectual, and the vessel continued her voyage with the cargo remaining on board. The question for the court was whether the losses and expenses incurred in getting the steamer off, and the expenses incurred in landing and conveying the specie were or were not general average to which the owners of the specie were liable to contribute. The court (Wills and Grantham, JJ.) held that they were not.

HUSBAND AND WIFE—LIABILITY OF HUSBAND FOR NECESSARIES SUPPLIED TO WIFE—ADULTERY OF WIFE—CONNIVANCE BY HUSBAND—CONDONATION.

Wilson v. Glossop, 19 Q.B.D. 379, was an appeal from the Sheffield County Court. The

action was brought for necessaries supplied to the defendant's wife. In August, 1885, the defendant charged his wife with adultery and turned her out of doors, whereupon she went to reside with her mother, the plaintiff, who supplied her with board and lodging. The defendant subsequently petitioned in the Probate and Divorce Division for a dissolution of his marriage on the ground of his wife's adultery, and at the trial the jury found that the wife had committed adultery, and that the petitioner had not condoned the offence, but that he had connived at it. The petition was thereupon dismissed. Under these circumstances the Court (Matthew and Cave, JJ.) held that the husband was liable for the necessaries furnished his wife, and the judgment of the County Court was reversed.

PRACTICE—AMENDMENT—CLAIM BARRED BY STATUTE OF LIMITATIONS.

In *Weldon v. Neal*, 19 Q.B.D. 394, the Court of Appeal affirmed a decision of a Divisional Court striking out certain amendments to the statement of claim which set up fresh causes of action, which at the time of such amendment were barred by the Statute of Limitations, although not barred at the date of the writ.

PRACTICE—COSTS—ORDER 65 R. 1 (ONT. RULE 428) — CLAIM—COUNTER-CLAIM.

Wight v. Shaw, 19 Q.B.D. 396, was an appeal from Denman, J., on a question of costs. The plaintiff's claim was for rent, which was admitted by the defendant, who, however, counter-claimed a larger amount for damages on account of the alleged insanitary condition of the demised premises. The case was tried by a jury who found for the defendant on the counter-claim £17 16s. damages. The judge at the trial ordered judgment to be entered for the plaintiff for the amount claimed by him, viz., £78 15s., with costs down to the filing of the counter-claim; and that judgment should be entered for the defendant for the £17 16s. with costs of the counter-claim and subsequent thereto, including the costs of the trial. On appeal, the court (Lord Esher, M.R., Lindley and Lopes, LL.J.) held that there was no "good cause" shown for such an order, and that the judge at the trial had therefore no jurisdiction to prevent the costs following the event.