

RECENT ENGLISH DECISIONS.

years old. His lordship hoped that the father's relations with Miss Dick were innocent, but said it was certainly rather difficult to believe it. But whether they were innocent or not, what was the conduct of a man who had completely destroyed the character of this girl by his association with her, as she herself had admitted on affidavit, and who had driven his wife by his conduct and association with this girl to take divorce proceedings against him, and was now putting pressure on his wife by taking from her this boy ten years old, the child of their marriage, and keeping him in his own house where he was living with Miss Dick? If the relations were as innocent as possible such conduct on the part of a married man was inexcusable—conduct which must give rise in the mind of any unprejudiced person to the gravest possible suspicion of his fidelity to his wife, and conduct which was in every way entirely indefensible. The boy must at once be delivered into the custody of his mother, and the father was bound to pay the cost of the application. Further, the judge declined to allow the boy to go to any house where Miss Dick was living, but said he might reside with his father for a fortnight in the summer and a week in the winter holidays, in any house in which that lady was not, and to which she did not come. If she attempted to associate with the boy in any shape or way his lordship would at once interfere. It may well be doubted whether such an application as this would have been successful, or so completely and easily successful, without the Legislation of 1886.—*Law Times*.

RECENT ENGLISH DECISIONS.

The *Law Reports* for September comprise 19 Q. B. D. pp. 277-356; 12 P. D. pp. 167-184; 35 Chy. D. pp. 611-736; and 12 App. Cas. pp. 283-470.

ADVERTISING HOARDINGS—AGREEMENT CREATING TENANCY—LIABILITY TO BE RATED.

Taylor v. Pendleton, 19 Q. B. D. 288, though not perhaps likely to be of much practical importance here, is deserving of a brief notice. The question was one arising on an assessment for poor rates. The parties assessed

were advertising agents who had contracted with the owner of land for the privilege of erecting an advertising hoarding for a yearly rent with the privilege of removing a wall, the agreement to remain in force three years and be afterwards terminable by twelve months' notice, but if the owner should be obliged to give less than twelve months' notice he was to refund £20. By another agreement the owner agreed to let, and the advertising agents agreed to take another advertising station at a yearly rent for seven years, and the agent agreed to pay rates and taxes. The question for the court was whether these agreements amounted to a tenancy, or a mere license. The court (Wills and Grantham, JJ.) were unanimously of opinion that a tenancy was created in the land actually occupied by the hoardings, and that the lessees were, in respect of their tenancy, liable to be rated.

PRACTICE—COMPULSORY REFERENCE—OFFICIAL REFEREE—C. L. P. ACT, 1854, s. 3—(R. S. O. c. 50, s. 189)—DISCRETION.

The point decided in *Knight v. Coales*, 19 Q. B. D. 296, is that under sec. 3 of the C. L. P. Act, 1854 (R. S. O. c. 50, s. 189), the court or a judge has jurisdiction to refer compulsorily the whole matter in dispute in an action, if any part of the matter in dispute consists of matters of mere account which cannot conveniently be tried in the ordinary way; and that under the Judicature Act the reference may be directed to an official referee. Such a reference having under such circumstances been directed by Huddleston, B., and his order being affirmed by a Divisional Court, the Court of Appeal, though not prepared to say that they would have made such an order, nevertheless refused to interfere.

MEDICAL PRACTITIONER—UNREGISTERED ASSISTANT, RIGHT OF REGISTERED PRACTITIONER TO RECOVER FOR SERVICES OF—MEDICAL ACT, 1858, 21 & 22 V. C. 90—(R. S. O. c. 142, s. 43).

Howarth v. Brearley, 19 Q. B. D. 303, is a decision under the Medical Act, 1858. A qualified medical practitioner, duly registered under the Act, established a branch practice under the management of his brother, who was not so qualified or registered, and held no apothecaries' certificate. The action was brought by the assignee of the registered practitioner to recover charges for medical