

REVIEW OF CURRENT ENGLISH CASES.

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SOLICITOR—UNDERTAKING BY SOLICITOR—ENFORCING UNDERTAKING—SUMMARY PROCEEDING.

United Mining and Finance Corporation v. Becher (1911) 1 K.B. 840. In this case the solicitor's appeal from a summary order made by Hamilton, J., to pay over money to a person not his client pursuant to his undertaking (1910) 2 K.B. 296 (noted ante, vol. 46, p. 612), was compromised, so that the question of law was not dealt with.

BANK ACT (R.S.C. c. 29), ss. 99-111—AGREEMENT BETWEEN BANKS—TRANSFER OF ASSETS BY ONE BANK TO ANOTHER WITH A VIEW TO LIQUIDATION OF LIABILITIES OF TRANSFERORS—CONSTRUCTION.

McFarland v. Bank of Montreal (1911) A.C. 96. This is an appeal from the Court of Appeal for Ontario on the question as to the validity of the agreement made between the Ontario Bank on the eve of its suspension of business, with the Bank of Montreal, whereby the latter bank undertook to assume the control of the business of the Ontario Bank, receiving a transfer of its assets and undertaking to the extent of such assets to discharge the liabilities of the Ontario Bank, that bank agreeing to pay any deficiency. It was contended that the agreement amounted to a sale of its assets by the Ontario Bank and was void because the conditions of the Bank Act, R.S.C. c. 29, ss. 99-111, had not been complied with. The Judicial Committee of the Privy Council (Lords Macnaghten, Atkinson, Shaw, and Mersey) agreed with the courts below that the transaction did not amount to a sale, but was in the nature of a loan, and that the Bank of Montreal were entitled to prove as creditors for what appeared to be due on the footing of their accounts of the assets received, and debts discharged by them, and for their remuneration.

CONVEYANCE OF GAS LEASES AND WELLS—RESERVATION BY VENDORS OF SUFFICIENT GAS TO WORK THEIR PLANT—CONSTRUCTION BREACH—SUBSTITUTED GAS OBTAINED BY VENDORS FREE OF COST—MEASURE OF DAMAGES—NOMINAL DAMAGES.

Erie County Gas Co. v. Carroll (1911) A.C. 105. This was an appeal from the Court of Appeal of Ontario. The appeal