

Fsher, M.R., and Lopes and Kay, L.JJ.) affirmed the decision of Charles and Wright, JJ., that the Bath court had jurisdiction, as the default in payment constituted part of the cause of action.

ARBITRATION—MISCONDUCT OF ARBITRATORS—AWARD.

*Bache v. Billingham*, (1894) 1 Q.B. 107, in effect decides that a *de facto* award, although it may be voidable on the ground of the misconduct of the arbitrators, cannot be treated as a nullity, but that it is valid and binding until it is set aside. The facts of the case were that a statute relating to a friendly society provided that disputes in regard to the claims of members should be settled by arbitration, and that if no decision should be made on a dispute within forty days after the application for a reference to arbitration the member might apply to a court of summary jurisdiction. A dispute having arisen, and been referred to arbitration, the arbitrators, within the forty days, made an award; but the arbitrators had been guilty of misconduct by hearing evidence in the absence of one of the parties. Without moving to set aside the award, the member whose claim was in dispute took proceedings in a court of summary jurisdiction; but the Court of Appeal (Lord Esher, M.R., and Lopes and Kay, L.JJ.) held (overruling Pollock, B., and Kennedy, J.) that, until the award had been set aside, the court of summary jurisdiction could not entertain the claim.

LANDLORD AND TENANT—DISTRESS—ENTRY BY GETTING OVER WALL INTO YARD.

*Long v. Clarke*, (1894) 1 Q.B. 119, was an action to recover damage for trespass to the plaintiff's goods. The plaintiff was the owner of certain chattels under a bill of sale, and had put a man in possession thereof. The defendant Clarke, as landlord of the premises in which the goods were, instructed his co-defendant, Hawkins, to distrain on the goods for rent in arrear, who, being unable to get into the house by the front door, scaled the wall of the back yard, and entered the house through an open window, and levied the distress. The question was whether this mode of entry made the distress illegal, and the Court of Appeal (Lord Esher, M.R., and Lopes and Kay, L.JJ.) agreed with Collins, J., that it did not. It may be well to notice that doubt is cast on the correctness of the report of *Scott v. Buckley*, 16 L.T.N.S. 573.