

RECENT ENGLISH DECISIONS.

ter." The decision of the latter court is reported in 17 Q. B. D. 598, and was noted *ante*, vol. 22, p. 377. The Court of Appeal, although holding that they had no jurisdiction, nevertheless expressed the opinion that the order for restitution complained of, which had been made against an agent of the convict who held the proceeds of the stolen goods in his hands for the convict without notice of the fraud, was properly made.

REVERTING OF PROPERTY OBTAINED BY FALSE PRETENCES
—R. S. C. c. 174, s. 250—SALE IN MARKET OVERT—INNOCENT PURCHASER.

The next case, *Vilmont v. Bentley*, 18 Q. B. D. 322, is another illustration of the same branch of the law. This was a civil action brought by a person who had been induced to part with his property by false pretences, to recover it from an innocent purchaser, who, before the conviction, had purchased it in market overt. The Court of Appeal (overruling *Moyce v. Newington*, 4 Q. B. D. 32, and reversing the decision of Denman, J.,) held that the plaintiff was entitled to succeed under 24 & 25 Vict. c. 26, s. 100, from which R. S. C. c. 174, s. 250, is taken, and that it was not necessary that an order for restitution under that section should be first obtained.

PRACTICE—ATTACHMENT OF DEBTS—ASSIGNEE OF JUDGMENT.

The short point determined by the Divisional Court (Huddleston, B., and Manisty, J.), in *Goodman v. Robinson*, 18 Q. B. D. 332, is, that an assignee of a judgment is a person who has "obtained" a judgment, and may enforce it by obtaining a garnishee order attaching debts due to the judgment debtor. Under Ont. Rule 370, the question discussed in this case could hardly arise, as that Rule expressly enables the judgment creditor "or the person entitled to enforce the judgment" to obtain a garnishee order.

ELECTION EXPENSES—RETURN OF EXPENSES.

In *re Robson*, 18 Q. B. D. 336, was a decision under a statute requiring candidates at municipal elections to make a return of their expenses similar to that required under R. S. C. c. 8, s. 120, and R. S. O. c. 10, s. 186, and it was held that the return must be made though no expenses had been incurred.

MARINE INSURANCE—FULL INTEREST ADMITTED—19 GEO. II. c. 37, s. 1.

Berridge v. Man On Insurance Company, 18 Q. B. D. 346, was an action on a policy of marine insurance. The plaintiff had made advances on a ship; the policy in question was issued to insure those advances, and contained the words "full interest admitted." It was argued that the policy not being on the ship or goods was not within the statute 19 Geo. II., c. 37, but the Court of Appeal (affirming Pollock, J.,) held that the policy was one within the Act, and the words "full interest admitted" vitiated it, as being a contravention of its provisions forbidding insurances "without further proof of interest than the policy."

MUNICIPAL ELECTION—DISQUALIFICATION OF CANDIDATE
—RETURNING OFFICER, DUTY OF.

The Queen v. The Mayor of Bangor, 18 Q. B. D. 349, furnishes us with some interesting law on the subject of municipal elections and the duties of returning officers. Two candidates for the office of councillor were nominated, and the nomination accepted, and a poll took place. At the close of the poll, P., one of the candidates, claimed that whatever might be the result of the poll he was entitled to be declared elected, because the other candidate held the office of alderman, and was therefore disqualified for election as a councillor. The returning officer counted the ballots, and announced that the alleged disqualified candidate had the majority of votes, but he reserved his decision as to whom he should declare to be elected, until he had considered P.'s objection. On the following day he published a placard stating that P. had been elected.

Both P. and the other candidate accepted the office, and attended the meeting of the council, but the majority of the council refused to recognize P. as a member of the council, and he then applied for and obtained a *mandamus* to the mayor and corporation to receive his votes at corporate meetings. On appeal from the order awarding the *mandamus*, the Court of Appeal held that the returning officer had no power to decide on the question of disqualification, and that his duty was simply to declare the person having the majority of votes elected; that by stating the number of votes for each candidate he had made a sufficient declaration, and that the