

PROMISSORY NOTE—STAMPS NOT WHOLLY CANCELLED.—The non-cancellation of some of the stamps to a promissory note, though the rest have been cancelled, invalidates the note, and the plaintiff cannot recover upon it.—*Lowe v. Hall*, 20 U. C. C. P. 244.

BILL OF EXCHANGE ADDRESSED TO SECRETARY OF CO.—ACCEPTANCE IN NAME OF CO., AS SECRETARY—PLEADING.—In an action against defendant, by endorsee, on the following bill of exchange:

\$100. MONTREAL, Feb. 19, 1869.

Two months after date to the order of myself, at the Jacques Cartier Bank, in Montreal, eight hundred dollars, value received, and charge the same to account of

E. E. GILBERT.

JAMES GLASS,
Secretary Richardson Gold Mining Co.,
Belleville, Ont.

Accepted, The Richardson Gold Mining Co., per
JAMES GLASS, Secretary.

Held, on demurrer, not to be the acceptance of defendant and that he was not personally liable.
—*Robertson v. Glass*, 20 U. C. C. P. 250.

WILLS—MISTAKE IN EXECUTION—HUSBAND AND WIFE.—A husband and wife made wills in each other's favor, but by mistake each signed the will of the other. After the death of the husband an act of Assembly was passed, giving the Register's Court the power of a Court of Chancery, and authorizing it, at the petition of the wife to reform the paper and admit it to probate on proof of the alleged mistake. On the filing of the petition authorized, *held*:

1. That the jurisdiction of Chancery would only attach after probate.

2. That it has jurisdiction only to construe or reform an instrument already made; it cannot execute one.

3. The will in this instance is a manifest absurdity, as it purports to give all the property of the wife to herself, and the real and personal estate of S. A. Alter vested on his death in his heirs-at-law and distributees under the intestate acts, and no special legislation could direct their rights; as against them it was unconstitutional.—*In re Estate of Geo. A. Alter, deceased*, U. S. Rep.

CANADA REPORTS.

DOMINION ARBITRATION.

(Reported by HENRY O'BRIEN, Esq., Barrister-at-Law.)

IN THE MATTER OF THE ARBITRATION BETWEEN THE PROVINCES OF ONTARIO AND QUEBEC, IN THE DOMINION OF CANADA.

The British North America Act, 1867—Resignation of one arbitrator—Unanimity of arbitrators not necessary—Arbitration on public matters—Writ of prohibition from court of one Province.

Held, that as "The British North America Act, 1867," confers powers to the arbitrators appointed thereunder of a public nature, such powers may be exercised by the majority, and a joint award is therefore unnecessary.

The jurisdiction of the courts of one of the litigant Provinces to interfere to stay the proceedings on the arbitration, by writ of prohibition considered, and *held* that there is none.

[Ottawa and Montreal, February—July;
Toronto, Aug., 1870.]

The British North America Act, 1867, section 142, enacts that "The division and adjustment of the debts, credits, liabilities, properties, and assets of Upper Canada and Lower Canada shall be referred to the arbitrament of three arbitrators, one chosen by the Government of Ontario, one by the Government of Quebec, and one by the Government of Canada, and the selection of the arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met; and the arbitrator chosen by the Government of Canada shall not be a resident either in Ontario or in Quebec."

Under the provisions of this enactment the following persons were appointed arbitrators: The Hon. D. L. Macpherson for the Province of Ontario. The Hon. C. D. Day for the Province of Quebec, and the Hon. J. H. Gray, a resident of the Province of New Brunswick, for the Dominion of Canada.

The arbitrators had several meetings, being attended by Hon. J. H. Cameron, Q. C., as counsel for the Province of Ontario (assisted by Hon. John Sandfield Macdonald, Q. C., Attorney-General for Ontario, and Hon. E. B. Wood, Treasurer of Ontario), and by T. Ritchie, Q. C., Esq., as counsel for the Province of Quebec (assisted by Hon. Geo. Irvine, Q. C., Solicitor General for Quebec.)

On the 28th May the arbitrators met to give a preliminary decision to form a basis for the preparation of their final award. The arbitrators disagreed however as to this basis, Mr. Macpherson and Col. Gray agreeing, and Judge Day dissenting.

This preliminary award of the majority, though not delivered for some time after the above date, was as follows:—

"The Arbitrators, under the B. N. A. Act, 1867, having carefully considered the statements made, and the propositions submitted by and on the behalf of the Provinces of Ontario and Quebec, and having heard counsel at length thereupon, do award and adjudge as follows:

1st. That the Imperial Act of Union, 3rd and 4th Victoria, chap. 35, did not create in fact, or in law any partnership between Upper and Lower Canada, nor any such relations as arise from a state of co-partnership between individuals.