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NONSUIT.

A point of some interest was presented in the case of *Bain* v. *White*, noted in the present issue. The action was one brought against the publishers of the *Gazette*, complaining of the insertion of a letter written and signed by the assignee of an insolvent firm in whose service plaintiff had been employed as clerk. A day had been fixed for a jury trial, but the plaintiff not appearing (through an alleged mistake of his attorney as to the hour appointed for the trial) he had been nonsuited under C. C. P. 394, 395. The plaintiff, desiring to obtain relief from this judgment of nonsuit, applied to the Court of Review to be allowed to go to trial again.

The jurisdiction of the Superior Court sitting in review, with reference to jury trials, is conferred by 34 Vic. (*Que.*) c. 4, s. 10, which amends Art. 494 C. C. P. The section reads as follows: "The judges of the Superior Court, at "their sittings in review, shall also have ex- "clusive original jurisdiction to hear and "determine all motions for judgment upon a "verdict, or for new trial, or for judgment *non* "*obstante veredicto*, or in arrest of judgment."

The question was whether the jurisdiction of the Court sitting in review was not restricted to the four cases mentioned, and whether the Court was not therefore precluded from taking cognizance of an application where there had been no trial at all, and the plaintiff was simply seeking to be relieved from the consequences of an alleged mistake. The majority of the Court adopted the view that the case was not one in which it had jurisdiction, and the plaintiff was, therefore, referred to the Practice division of the Superior Court to make his application there.

REPORTS OF EXPERTS.

Two recent decisions with reference to reports of experts—one by the Superior Court and the other by the Court of Queen's Bench in appeal—are worthy of attention. In the first, *Chanteloup* v. *Dominion Oilcloth Co.*, *ante*, p. 314, the question was whether the delay to file a report of experts was fatal. Art. 337 C. C. P. says: "The report of the experts must be made "on or before the day fixed by the Court." Do these words mean that the report cannot be made after the day fixed? The Court has answered the question in the negative, and holds that the delay may be extended on application, even when the application is not made until the original delay has actually expired.

The second decision, *Scott & Payette*, noted in this number, suggests some of the points of difference between a report of experts and an award of arbitrators. The former merely instructs the Court as to the matters specially referred to them, but the Judge is not bound to adopt their opinion. It was held in appeal that where the order of reference does not comprise all the matters in issue between the parties, the latter are not precluded from going to proof as to matters in issue which were not included in the reference.

INTERNATIONAL LAW.

Sir Robert Phillimore, in his inaugural address at the recent Conference on International Law, does not despair of the attainment of the objects of the Association. The "violence, oppression, and sword-law," which, to borrow Milton's language, had prevailed in part of Europe during the last quarter of a century ought not, he said, to shake their reliance on the true principles of international law. There always had been and always would be a class of persons who derided the notion of international law, and who held in contempt the position that a moral principle lay at its root. Their objections were as old as they were shallow. The objectors left untouched the fact that there was, after all, a law to which States in peace and war appealed for the justification of their acts; that there were customs and usages generally recognized; that there were writers whose expositions of that law had been stamped as impartial and just by the great family of States; that they were only slighted by those upon whose crimes they had by anticipation passed sentence; that municipal as well as international law was often evaded and trampled down, but existed never-