

charged with the death. At the trial counsel for the Crown proposed to give in evidence the depositions of the defendant before the coroner. Following *Regina v. Hendersholt*, 26 O.R. 678, the Judge rejected the evidence, but reserved for the consideration of the Court the question whether he was right in so rejecting it. The prisoner was acquitted.

*J. R. Cartwright*, Q.C., for the Crown, stated that the case was important in view of the decision referred to above, and the case of *Regina v. Madden*, C.L.J. 1894, p. 765.

No one appeared for the defendant.

A copy of the case and notice of the hearing had been served upon the solicitor who had acted for the defendant at the trial.

*Held* that the solicitor ceased to represent the defendant when the latter was discharged, and that there was no cause pending in Court unless the Crown were asking for a new trial.

## Province of New Brunswick.

### SUPREME COURT.

BARKER, J.  
Equity Chambers.)

[Sept. 10.]

RYAN v. McNICHOL.

*Practice—Injunction—Appeal—Stay of injunction.*

Defendant was restrained by injunction in the terms of an agreement with the plaintiff from practising as a physician in a certain locality. An appeal was made for a suspension of the injunction pending the appeal. Order made on the terms of the defendant paying into Court a sum to cover the plaintiff's costs of suit and damages, estimated at a sum to be specified by the Court.

*Allison*, for the plaintiff.

*Turrey*, Q.C., for the defendant.

## Book Reviews.

*Fisher on Mortgages*, fifth edition, 1897, by ARTHUR UNDERHILL, M.A., LL.D., of Lincoln's Inn, Barrister-at-Law, author of *Underhill's Law of Trusts*, etc.; London: Butterworth & Co.; Toronto, Canada Law Journal Co., pp. 995.

The author of this edition correctly says that the late Mr. Fisher's work has been recognized by judges and practitioners as a monument of learning. The last edition was published in 1884, since which time a wealth of decided cases have made it necessary to rearrange the material and to rewrite a large portion of the work. New chapters have been added on mortgage debentures, mortgages of choses in action, and mortgages by tenants for life and owners of limited estates. Cases decided in the early part of the present year are included, and the work may be said to be thoroughly up to date. Typographically also it is exceedingly creditable to the publishers.