Joint Appeal.]—Where defendants appealed jointly, and the court thought that all except one were entitled to be relieved from the decree, they reversed it, notwithstanding that as to one appellant the evidence was sufficient to establish the will under which the plaintiff claimed. *Black* v. *Black*, 2 E. & A. 419.

Jurisdiction of Dominion Parliament.]—Quære, can the Dominion Parliament give an appeal in a case in which the Legislature of a Province has expressly denied it. *Danjou* v. *Marquis*, 3 S. C. R. 251.

Law and Equity.]—The Court of Error and Appeal sits as a court of law or equity according as the case comes from common law or chancery. *Smith* v. *Norton*, 7 L. J. 283.

Lis Pendens—*Refusal to Vacate.*]—No appeal lies, by virtue of s. 99 of the Judicature Act, R. S. O. 1897 c. 51, or otherwise, from an order of a Master or Judge dismissing a motion made under s. 98 for an order vacating a certificate of lis pendens. *Hodge* v. *Hallamore*, 18 P. R. 447.

Malicious Prosecution.] — Action for malicious prosecution, alleging a determination of the proceedings. Plea, that an appeal from such decision is still pending:—Held, good. *Griffith* v. *Ward*, 20 U. C. R. 31.

Misunderstanding at the Trial.]—The appeal in this case was dismissed without any decision on the merits, there being a misunderstanding as to what took place at the trial. *Holliday* v. *Ontario Farmers' Mutual Fire Insurance Co.*, 33 U. C. R. 558.

Party Not Appealing.] — Although a person affected by a decree does not appeal from it, the court upon the appeal of another party may give such relief as the court may think the parties entitled to. *Sampson* v. *McArthur*, 8 Gr. 72.

Presumption of Correctness.] — The general rule is, that the judgment of the court appealed against stands, unless the appellate court can say that it is clearly wrong. *Keena* v. *O'Hara*, 16 C. P. 435.

Provincial Arbitration.]—In an award made under the provisions of the Acts 54 & 55 Vict. c. 6, s. 16 (D.), 54 Vict. c. 2, s. 6 (O.), and 54 Vict. c. 4, s. 6 (Q.), there can be no appeal to the Supreme Court of Canada, unless the arbitrators in making the award set forth therein a statement that in rendering the award they have proceeded on their view of a disputed question of law. *Province of Ontario* v. *Province of Quebec and Dominion of Canada—In re Common School Funds and Lands*, 30 S. C. R. 306.

Special Case.]—The plaintiff having commenced an action in the County Court, at the trial a bill of exceptions was tendered, and it was then agreed that the pleadings and evidence should be stated as a special case for the Queen's Bench, on which the court might order a verdict for plaintiff or defendants, or, at the election of the plaintiff, a nonsuit or new trial, the court to draw inferences as a jury. This was argued as a special case in the Queen's Bench, and judgment given for the plaintiff, whereupon the defendants brought error. In the copy of the judgment roll transmitted, immediately after the pleadings and venire, the evidence was set out, and then a statement of the contention on either side and a formal entry of judgment for the plaintiff. The Court of Appeal refused to entertain the case, holding that if it was to be looked upon as an informal appeal from the County Court to the Queen's Bench, it was not a special case within ss. 150 or 157 of the C. L. P. Act, upon which error could be brought: that if it was to be treated as a cause in the Queen's Bench, then the agreement of the parties to the special case, and a Judge's order allowing it, should have appeared on the roll, the facts and not the evidence only should have been stated, and the agreement of the parties should have been absolute, not giving the plaintiff an option to take a nonsuit or new trial instead of being bound by the judgment. *Holmes* v. *Grand Trunk R. W. Co.*, 29 U. C. R. 294.

Special Leave on One Ground — *No Right to Raise Others.*]—Where special leave to appeal is granted on the ground that the appellant desires to raise a particular question of great and general importance, he cannot be permitted at the hearing to say that no such question arises, and to argue that the case turns upon a question of fact on which the court below was in error. Accordingly the appellant town corporation was precluded from contending that, as matter of fact, the assessment in question had been confined to the land occupied by the road. *Town of St. Johns* v. *Central Vermont R. W. Co.*, 14 App. Cas. 590.

Vacation — *Judge — Arrest.*] — A Judge when applied to in vacation, under 4 Will. IV. c. 10, s. 4, for the commitment of a debtor on the limits to close custody, disposes of the case without the power of appeal by declining to interfere. *Shaw* v. *Nickerson*—*Gilespie* v. *Nickerson*, 7 U. C. R. 541.

II. Abandonment and Waiver.

Acquiescence in Judgment.] — In an action in which the constitutionality of 36 Vict. c. 81 (O.) was raised by the defendant, the Attorney-General for the Province of Quebec intervened, and the judgment of the Superior Court having maintained the plaintiff's action and the Attorney-General's intervention, the defendant appealed to the Court of Queen's Bench (appeal side), but afterwards abandoned his appeal from the judgment on the intervention. On a further appeal to the Supreme Court of Canada from the judgment of the Court of Queen's Bench in the principal action the defendant claimed the right to have the judgment of the Superior Court on the intervention reviewed:—Held, that the appeal to the Court of Queen's Bench from the judgment of the Superior Court on the intervention having been abandoned, the judgment on the intervention of the Attorney-General could not be the subject of an appeal to this court. *Ball* v. *McCaffrey*, 20 S. C. R. 319.

Acquiescence in Judgment.] — By a judgment of the Court of Queen's Bench the defendant society was ordered to deliver up a certain number of its shares upon payment of a certain sum. Before the time for appeal-