

BANKRUPTCY—PAYMENT BY MISTAKE OF LAW TO OFFICER OF COURT—MISTAKE.

In re Rhoades (1899) 1 Q.B. 905, although a bankruptcy case, is nevertheless of interest, as being another instance of money paid to an officer of court under a mistake of law being ordered to be refunded to the person rightfully entitled. In this case, an executrix, having a right of retainer, paid over to the official receiver of the testator's estate the assets collected by her in ignorance of her right. The money being still in the official receiver's hands, she applied to the Court for an order directing the official receiver to refund her the amount she was entitled to have retained in respect of a debt due to herself from the testator's estate; and Wright, J., granted the application, on the ground that an official receiver is an officer of the Court, and that, so long as the money remains under the control of the Court, effect will be given to the equitable rights of the parties.

COSTS—APPEAL AS TO COSTS—ORDER AGAINST OFFICIAL RECEIVER TO PAY COSTS PERSONALLY.

In re Raynes Park Golf Club (1899) 1 Q.B. 961, Wright, J., held that, where an official receiver appointed for the winding-up of a company is ordered to pay costs personally, he may appeal from such order without leave, on the ground that his liability to pay costs personally is a question of law, and not a mere matter of discretion; but he held that so much of the order as deprived him of costs was discretionary, and therefore not appealable without leave. *Sed quare*, see Ont. Rule 1130 (2).

NEGLIGENCE—BREACH OF DUTY—CHARTERER OF SHIP, LIABILITY OF, FOR DEFECTIVE CONDITION OF SHIP.

In Marney v. Scott (1899) 1 Q.B. 986, the plaintiff, a stevedore's labourer, sued the defendant, a charterer of a ship for damages for injuries sustained by the plaintiff falling down the hold of the ship owing to the defective condition of a ladder. The ship was chartered by the defendant for a single voyage, she being then at sea, and in ballast. The charterparty declared the ship was in every way fit for service, and provided that she should be so maintained by the owners. On the afternoon of 5th April she was put at the defendant's disposal, and he immediately employed a stevedore to load her, and the plaintiff, who was one of the stevedore's men, fifteen minutes later had to descend a ladder