another. I allude to the office of chief of police in cities and gaolers in counties. In the former case the police commissioners make the appointments, and the council is required to pay him a "reasonable salary," and it has been held that it is not in the commissioners, power to fix what that salary may be (*Prince* v. *Toronto*).

In the latter case, the sheriff appoints, while the county council is to fix and pay the salary.

I think, if the legislature intended the high constable to receive a salary, or any sum beyond ordinary fees, they would have so expressed themselves. No doubt the defendants could make themselves liable by resolutions or by-laws, but there is no pretence that they have done so.

I think, however, that although the defendants are not liable for any future payments, they should, in equity, pay the salary for the one quarter upon which the plaintiff had entered, and for which he has performed the duties. On that ground only I give judgment for him for the amount claimed, being, however, of the opinion that the defendants will not be liable for any future payments.

ENGLISH REPORTS.

DIGEST OF THE ENGLISH LAW REPORTS FOR NOVEMBER AND DECEMBER, 1878, AND JANUARY, 1879.

[This number includes the following of the Law Reports: 9 Ch. D. 1-734; 10 Ch. D. 48; 3 Q. B. D. 643-807; 4 Q. B. D. 1-18; 3 C. P. D. 393-537; 4 C. P. D. 1-24; 3 Ex. D. 313-383; 4 Ex. D. 1-31; 3 P. D. 73-198; 3 App. Cas. 933-1373.]

Abandonment.—See Insurance, 2.

Accounts.

1. In a bill by principals against agents, to take accounts or rectify accounts already settled, the transactions extended over nearly twenty years, and many errors and overcharges were alleged. *Held*, that although the labour was enormous, it was a case for reopening the accounts, and not merely one to "surcharge and falsify."—*Williamson* v. *Barbour*, 9 Ch. D. 529.

2. In the settlement of partnership accounts made in 1865, the plaintiff alleged a single error of £950, and another formal error. *Held*, that, their being no fraud, he be allowed to surcharge and falsify, thus allowing the account to stand as a whole, and only rectifying it where the plaintiff should plainly show error.—*Gething* v. *Keighley*, 9 Ch. D. 547.

See Partnership.

Acquiescence.—See Bankruptcy, 2.

Administration.

The Probate Division granted a general probate of the will of a Scotch testator. In spite of the opposition of a majority of the executors, this Division granted the usual decree for administration of all the personal assets, not limiting it to those in England.—*Stirling-Maxwell* v. *Cartwright*, 9 Ch. D. 173.

See Parties.

Advances.

By his will, made in 1864, a testator made his six children his residuary legatees, and provided that the sums which he had lent to his two sons should be deducted from the shares which they would be entitled to. Subsequently he wrote to each of his sons, offering to write off part of the debt in each case, if the son would send him a promissory note for the balance. It did not appear that any notes were given. He died in 1874. *Held*, that, in spite of the letters, the sons must bring the entire debts into hotchpot.—*Smith* v. *Conder*, 9 Ch. D. 170.

Ancient Lights.—See Railway, 1.

Annuity.

G. gave a legacy to his wife and empowered his trustees to demise portions of his real estate for terms of years, for building purposes and otherwise, as they thought proper, during his wife's life, to sell and dispose of the property, and to invest it so as to raise an annuity of £1,200 for her during her life, payable quarterly. Subject to the annuity, the trustees were to set apart other portions of the income for his children. The residue he gave to his children. The yearly income of the trust estate did not amount to £1,200. *Held*, that the widow could not have it made up out of the *corpus*.—*Gee* v. *Mahood*, 9 Ch. D. 151.

See Trust 1; Will, 3.

Appointment.

P., the donee of a power to appoint by deed or will, in favour of her "issue respectively to be born before any such appointment," recited, in her deed of appointment, the power, her desire to act under it, and that she had three children, and appointed the fund to her daughter F. for life, and, at her decease, to her children, in equal shares, on their respectively attaining twenty-one; but if any of them should die before that age, leaving issue, then the share of them so dying should go to their issue, vesting at twenty-one. If the said F. should have but one child attaining twenty-one, to that child absolutely. In case F. should die without leaving any child or issue who should take a vested share in the trust-fund, another disposition was made. F. had six