subject, we may refer to *Marsh* v. *Huron College*, 27 Gr. 605.

In the next case, *Hendricks* v. *Montagu* (p. 638) it was held, on appeal, that a company not registered under the Imp. Companies Act 1862, can restrain the registration under that Act of a projected new company, which is intended to carry on the same business as the unregistered company and to bear a name so similar to that of the unregistered company as to be calculated to deceive the public. The case of *ex-parte Young, In re Kitchin*, p. 668, appears to be one of first impression so far as the English courts are concerned. The question was, whether in the absence of special agreement a judgment or an award against a principal debtor is binding on the surety, and is evidence against him in an action against him by the creditor? All three judges decided it was not; but that the surety is entitled to have the liability proved as against him in the same way as against the principal debtor. This is in accordance with the holding in the Courts of the United States on this very point, in *Douglass* v. *Howland*, 24 Wend. 35. It may be added that it is observed by counsel, arguendo, that the surety cannot be brought in by a third party notice under the Judicature Act, for the principal has no right of indemnity against him.

The next case, *Wheeler* v. *Le Marchant*, p. 675, is a decision on a point of practice and will be found among our Recent English Practice cases in this number. In *Evans* v. *Williamson*, p. 696, a testatrix, after devising all her real estate to A., gave all the "farming stock, goods, chattels and effects in and about" one of her farms forming part of her real estate, to B: and she gave the residue of her personal estate to other persons. The M. R. held that all crops growing on the farm at the testratrix's death passed to B., and expressed dispproval of *Vaisey* v. *Reynolds*, 5 Russ. 16, where Sir John Leach held that the growing crops did not pass under the gift of the farming stock, as against the devisee of the land, because there was no gift of the residuary personal estate to the legatee of the farming stock.

Rees v. *George*, p. 701, was a decision on the subject of interest to be charged on sums advanced brought into hotchpot. Under the will of their father, children were to divide the residuary estate after the death of their mother, but to bring into hotchpot sums advanced in their lifetime by the testator. In distributing the residuary estate among the children after the death of the widow, the M. R. held the advanced children must bring their advances into hotchpot, with interest at 4 per cent. per annum up to the distribution of the estate; such interest to be computed from the death of the widow, and not from the dates of the respective advances or from the death of the testator.

Walter v. *Howe*, p. 708 is of special interest to the literary world, being as it is an authority for the proposition that to enable the proprietor of a newspaper to sue in respect of a piracy of any article therein, he must show not merely that the author of the article has been paid for his service, but that it has been composed on the terms that the copyright therein shall belong to such proprietor.

In *English Channel S. S. Co.* v. *Rolt*, p. 715, it was held by V. C. Malins that the term "capital not called up" in the articles of association of a company included shares which had not been issued.

Passing now to the September number of the Queen's Bench Division, the first case requiring notice appears to be *Saxby* v. *Gloucester Waggon Co.*, p. 305, which was a patent case of an interesting nature. It was admitted by the plaintiff's witnesses that every element of the patent was to be found in one or the other of two previous inventions, and that no new result was obtained by their combination now in question different from that obtained by the previous inventions, but it was contended that the combination of the two previous inventions affected by the plain-