2. That such insurable interest in property, of which the insured is in actual possession, may be proved by verbal testimony.—*Whyte es qual.* v. *The Home Insurance Co.*, 14 L. C. Jurist, 301.

Insolvency—Procedure.

In a contestation of a claim before an assignee, the assignee having first verbally fixed upon a convenient day for hearing and taking evidence, the contestant inscribed the matter with due notice, and all the parties interested, including the assignee, appeared on the day fixed, and shewed their acquiescence as to the regularity of the proceedings by allowing the assignee to give an award without objection.

*Held*—The proceedings were irregular, because under sec. 71 of Insolvent Act of 1869, the day for proceeding to take evidence should have been fixed by the assignee in writing, and the assent of the parties to the above mode of proceeding could not waive the irregularities.

*Semble.* In such cases it would be irregular for either party to inscribe the case. *In re Richard Davis*, Insolvent, 15 L. J. C. 131.

Municipal Law.

*Held*, that where a by-law of a municipal council of a county appointed a committee to acquire land, and contract for the construction thereon of a "court house, registry office and fire-proof vault," such committee exceeded its powers in contracting for the construction of a "*public hall*, court house, registry office and fire-proof vault," even though the cost stipulated in the by-law was not exceeded; and no action will lie against the corporation on such contract, the corporation having notified the contractor that they would not hold themselves responsible for any work done under the contract.—*Fournier dit Perfontaine* v. *La Corporation du Compté de Chambly*, 14 L. C. Jurist, 295.

Promissory Notes—Statute of Limitations.

When a promissory note was made in a foreign country, and payable there, and the debtor, about the time of the maturity of the note, absconded from his domicile in such foreign country, and came to Lower Canada, and his domicile was discovered by the creditor, after diligent search, only about the time of the institution of the action, and it appeared that under these circumstances the plaintiff's recourse on the note would not be barred by the Statute of Limitations of the foreign country where the note was made, and where it was payable: *held*, that the action was not barred by the statutory limitation of Lower Canada, though more than five years had elapsed after the maturity of the note before the action was brought.—*Wilson and Joseph Demers* (in appeal), 14 L. C. Jurist, 317.

Sale of Goods.

*Held*, that where a party sells a moveable to two different persons, the one of the two who has been put in actual possession is preferred, although his title be posterior in date, provided he be in good faith.—*Maguire* v. *Dackus et al*, 15 L. C. Jurist, 20.

Telegraph Company.

*Held*, 1, That sec. 16 of C. S. C. cap. 67, which declares it a misdemeanor in any operator or employee of a telegraph company to divulge the contents of a private despatch, does not apply to the production of telegrams by the secretary of the company, in obedience to a *subpœna duces tecum*.

2. That telegrams which have passed between a principal and his agent are not privileged communications, in a suit in which that principal is a party.—*Leslie* v. *Hervey*, 15 L. C. Jurist, 9.

## CORRESPONDENCE.

### *Taxation of Costs in Chancery.*

To the Editors of the Law Journal.

Dear Sirs—Would you kindly, in the interests more especially of country practitioners, draw to the attention of the Chancery Judges, the injustice and delay of the present system of taxation of costs now prevailing in the Court of Chancery. After taxation by a country master, a so called revision takes place, which properly speaking is a second taxation instead. The master at Toronto, after a bill has been taxed by the master in the country, before whom all the proceedings have been had, and who exercises a discretion as to the proper costs, after hearing the arguments on both sides and inspecting the papers, puts the bill through what may be called a riddling operation, although having no papers before him, and knowing nothing of what reasons have been urged before the deputy master and given force to.

No doubt the intention of the Judges in ordering a revision, was that the master at Toronto should judge, by looking at the bill, whether the principles which govern taxations were adhered to with respect to the bills sent him for revision, but it is absurd to suppose the