defendant, occupying adjoining lots, having disputed as to the drainage of surface water, referred the question to fence viewers, who awarded that defendant should open a ditch from the line fence between himself and defendant, through the plaintiff's farm, of sufficient depth to carry off the water then in the ditch opened by defendant, about twenty rods in length, and that the plaintiff should make and keep open this same portion of ditch, commencing at the line fence, and of sufficient length, width and fall, to carry off the water; to be two and a half feet deep at the line fence; said ditch to be made before the 1st October, 1865

Held, following *Murray* v. *Dawson*, 17 C. P. 588, that the award was bad, for not sufficiently defining the point of commencement and course and position of the ditch.

Semble, however, that it was not bad as decided in that case, for omitting to specify the time within which each party was to perform his share of the work, for that the time mentioned applied to both.

To an action for trespass on the plaintiff's land, defendant pleaded justifying under the award, alleging that the plaintiff paid half the expense of the award as thereby directed, and that defendant, in pursuance of it, having first duly notified the plaintiff, entered on the plaintiff's land and opened the ditch there as directed by the award, doing no unnecessary damage: *Held*, that the plea was bad, as setting up a right which the award, being invalid, could not give; but that the facts might be found to support a plea of leave and license.—*Dawson* v. *Murray*, 29 U. C. Q. B. 464.

SEDUCTION — EVIDENCE OF RAPE—DUTY OF JUDGE—NEW TRIAL REFUSED —*Held*, following *Walsh* v. *Nattrass*, 19 C. P 453, that where, in an action of seduction, the evidence of the witness shews that a rape was committed upon her, it is the duty of the Judge, in the interest of public justice, to stop the case, and not leave it to the jury, with a direction to find for defendant, if in their opinion it was rape; and this, even where the Judge himself is not clear that a rape has been committed. But *Held*, that *defendant* cannot set aside the verdict for misdirection in this respect, as this will only be done *in the interests of public justice.*—*Williams* v. *Robinson*, 20 U. C. C. P. 255.

SCHOOL RATES—LEVY UPON NON-RESIDENT OF SCHOOL SECTION —School trustees, and collectors under their warrants, have no power, either under Con. Stat. U. C. ch. 64, or 23 Vic. ch. 49, to levy on the property of a non-resident of the school section for rates assessed in respect of property within that section —*The Chief Superintendent of Education in re Chapman* v. *Thrasher et al.* 20 U. C. C. P. 259.

CONVICTION BY MAGISTRATE—C. S. C. CH. 93, SEC. 28—INSUFFICIENCY —*Held*, that a conviction, purporting to be under Con. Stat. C. ch. 93, sec, 28, charging that defendant, at a time and place named, wilfully and maliciously took and carried away the window sashes out of a building owned by one C., against the form of the statute, &c., without alleging damage to any property, real or personal, and without finding damage to any amount, was bad, and the conviction was therefore quashed.—*Regina* v. *Caswell*, 20 U. C. C. P. 275.

SIMPLE CONTRACTS & AFFAIRS OF EVERY DAY LIFE.

NOTES OF NEW DECISIONS AND LEADING CASES.

STATUTE OF FRAUDS — SUFFICIENT NOTE IN WRITING —The owner of land gave parol authority to an agent to sell; the agent accordingly entered into a parol contract for the sale, and communicated the fact and the particulars of the contract to his principal by letter.

Held, a sufficient note or memorandum in writing to satisfy the Statute of Frauds.—*McMillan* v. *Bentley*, 16 Chan. Rep. 387.

BUILDING SOCIETIES—POWER TO MAKE NOTES —PLEADING.—Declaration on a promissory note made by defendants, a Building Society, incorporated under Con. Stat. U. C. ch, 53 *Held* good on demurrer; for they might legally make notes under certain circumstances, and it would not be assumed that they had acted illegally.—*Snarr* v. *The Toronto Permanent Building and Savings Society*, 29 U. C. Q. B. 317.

BOUNDARY LINES—EVIDENCE.—*Held*, that the entries in the diary of the surveyor, together with a small piece of map, also produced, supposed to be his (which was all that remained in the Crown Lands office shewing the lines in question run), and the trace of a blaze for a great part of the way, were evidence of the fact of the lines having been run by him in the manner in which he was directed to run them by his instructions (which were produced), although there was no further evidence upon the ground that the original lines had been run.—*Smith* v. *Clunas et al*, 20 U. C. C. P. 213.