

NEGLIGENCE—INJURY CAUSING DEATH—LORD CAMPBELL'S ACT (9 & 10 VICT., c. 93) (R.S.O. c. 166)—**NEGLIGENCE OF BRITISH SUBJECT OUT OF THE JURISDICTION**—ALIEN KILLED OUT OF JURISDICTION—ALIEN'S RIGHT OF ACTION UNDER ENGLISH STATUTE.

Adam v. The British & F. S.S. Co. (1898) 2 Q.B. 430, was an action brought by aliens to recover damages for the death of an alien who was killed upon the high seas, through the alleged negligence of the defendants. The action was brought under the provisions of Lord Campbell's Act, (see R.S.O. c. 166). It was conceded that, independently of that Act, the plaintiff would have no right of action, and Darling, J., was of opinion that that Act only applies to British subjects, or foreigners within the jurisdiction, and therefore conferred no right of action on foreigners out of the jurisdiction. As the learned Judge puts it, "A British Act of Parliament is not an allocution addressed urbi et orbi." The action therefore failed.

MARRIED WOMAN—LIMITED ADMINISTRATION TO THE ESTATE OF DECEASED MARRIED WOMAN—WILL OF MARRIED WOMAN—(R.S.O., c. 128).

In the goods of Leman (1898). P. 215, a woman married before the Married Women's Property Act of 1882 (45 & 46 Vict., c. 75) took effect, who, before her marriage, had been entitled to a mortgage debt, which her husband had not reduced into possession, had, during her marriage, made a will purporting to dispose of all her real and personal property. The husband applied for administration of her estate limited to the mortgage debt, he swearing that he had not authorized her to dispose of it by will. Jeune, P.P.D., made the grant limited to such estate as the deceased had not power to dispose of by will. In Ontario between 1st May, 1859, and 1st January, 1874, married women had a limited right to make wills, but since 1st January, 1874, their right to do so has been unrestricted. (See R.S.O., c. 128, s. 6; s. 7 (5).)