

In the Criminal Code, to come into force on the 1st of July next year, will be found several new provisions respecting "Evidence," upon which we may, later on, make some comments. In the meantime, we await further legislation on the subject we have first touched on, feeling sure that Sir John Thompson, now Premier as well as Minister of Justice, will not fail to keep abreast of the demand for all possible improvements in the due administration of justice.

COMMENTS ON CURRENT ENGLISH DECISIONS.

(Law Reports for November—Continued.)

COMPANY—WINDING UP—SURPLUS ASSETS, HOW DISTRIBUTABLE—SHARES OF UNEQUAL AMOUNT.

In re Wakefield Rolling Stock Co. (1892), 3 Ch. 165, Williams, J., was called upon to fix the principle on which the surplus assets of a company were distributable. The original capital of the company consisted of £150,000 in £1 shares, of which 30,000 (all that were issued) were fully paid up. By special resolutions, the capital was afterwards divided into 30,000 £1 shares and 24,000 £5 shares. Only £1 was called for on the £5 shares, but the directors were empowered to receive the full amount of such shares, and on these advanced moneys interest was payable to the shareholders. Several £5 shareholders had paid up in full. The surplus which remained after winding up the company was less than the total of the called up capital, including the advances paid by the £5 shareholders. Williams, J., held that the surplus must be distributed as follows: (1) In repayment to the £5 shareholders of the advances over £1 per share, with interest up to payment. (2) In payment to the £1 shareholders of 16s. per share, so as to put them in the position of the £5 shareholders who had only paid 20 per cent. of the amount of their shares. (3) In payment to the £5 and £1 shareholders *pro rata*, treating each £5 shareholder as if he were holder of five £1 shares.

ARBITRATION—SPECIAL CASE, POWER OF COURT TO ORDER STATEMENT OF—AWARD MADE AFTER, BUT BEFORE NOTICE OF, ORDER NISI TO STATE A CASE.

The Tabernacle Permanent Building Society v. Knight (1892), A.C. 298, is a decision of the House of Lords, in which two points are decided, viz., (1) that s. 19 of the Arbitration Act, 1889, which provides that an arbitrator shall, if so directed by the court or a judge, state in the form of a special case for the opinion of the court any question of law arising in the course of a reference, applies to arbitrations under the Building Societies Act, 1874; and (2) that when an order nisi to state a case was granted, and later on the same day, before notice of the order, the arbitrators made and signed their award, the jurisdiction of the court was not thereby ousted, but that the order nisi might nevertheless be made absolute.

HABEAS CORPUS—APPEAL FROM ORDER FOR ISSUE OF WRIT OF HABEAS CORPUS—ISSUE OF WRIT AGAINST PERSON WHO HAS NO LONGER THE CUSTODY OF THE PERSON DETAINED—IMPOSSIBILITY OF OBEYING WRIT.

Barnardo v. Ford (1892), A.C. 326, was an appeal by Dr. Barnardo from an order directing the issue of a writ of *habeas corpus* requiring him to produce a