

firm, were such a departure from his instructions as to disentitle him to recover even the money paid less the commission of the London firm. This judgment we fear would not commend itself to the average stock broker and, indeed, the learned judge himself expresses regret at the necessity for his deciding as he did, because the main defence on which the defendant relied had failed.

PRACTICE—CONDITIONAL ORDER—NON-FULFILMENT OF CONDITIONS
—COMPELLING PERFORMANCE OF CONDITIONS—RULE 580—
(ONT. RULE 638).

In *Talbot v. Blindell* (1908) 2 K.B. 114, an order had been granted giving the defendants as lessees relief from the forfeiture of the lease, upon certain conditions. Some of the conditions had been complied with, and the defendants then refused to comply with the other conditions, and consequently abandoned the relief given by the order. The plaintiff thereupon applied to the court for an order to compel the defendants to carry out the conditions, but Walton, J., held that he had no jurisdiction to compel the defendants to fulfil the conditions, and that they were within their rights in electing to abandon the benefit of the order; though it would, of course, have been otherwise if the order had been based on their undertaking to perform such conditions.

PUBLIC BODY—EXPROPRIATION OF LAND—STATUTORY POWER OF
EXPROPRIATION—NOTICE TO TREAT—CREATION OF NEW INTER-
EST AFTER NOTICE TO TREAT—COMPENSATION.

In *Zick v. London United Tramways* (1909) 2 K.B. 126 the Court of Appeal (Barnes, P.P.D., and Farwell and Kennedy, L.J.J.) have affirmed the judgment of Jelf, J., (1908) 1 K.B. 611 (noted ante, p. 346), but on a somewhat different ground, the Court of Appeal being of the opinion that the original term was in fact still subsisting and had never been effectually surrendered, because after the service of notice to treat the lessors were debarred from creating a new term, and therefore the consideration for the surrender failed, and it never took effect.

PRACTICE—DISCOVERY—LIBEL—JUSTIFICATION—PARTICULARS OF
JUSTIFICATION—ALLEGED MISCONDUCT OF BUSINESS—INSPEC-
TION OF BOOKS.

Arnold v. Bottomley (1908) 2 K.B. 151 was an action for libel. The libel complained of was that the defendants carried