

authority and knowledge of. *Mancell v. Michigan Central Railway*, 427.

Expropriation — Mining lands—Destruction of surface by working—Dominion Railway Act, ss. 26, 151, 169, 170, 171, 177, 191, 192, 193 — Compensation—Ascertainment once for all—Interest taken by railway under Act. *Davies, Robert, v. James Bay Rv. Co.*, 741.

REVENUE.

Succession Duties Act — Trust — Joint account. *Gibson Estate, Re Annie*, 440.

SALE OF GOODS.

Action for price — Written agreement — Statute of Frauds — Sale by sample — Findings of fact as to quality — Condition as to cleanness — Counterclaim — Goods stored for purchaser — Pledge by vendor. *Klengon v. Goodall*, 659.

Construction — Sale of gas engine — Warranty — Guarantees — Breach of — Loss sustained through — Consequential damage — Limitation of liability as to — Apparently conflicting clauses of contract — Printed form — Special provision inserted by parties — Reference—Costs. *Baldwin v. Canada Foundry Co.* 134.

Default in delivery of goods purchased — Cause of — Evidence — Dismissal of action — Contingent assessment of damages. *Dick, David, & Sons v. Standard Underground Cable Co.*, 222.

Refusal of purchaser to accept — Terms of contract — Evidence — Damages — Quantum. *British Columbia Hop Co. v. St. Lawrence Brewery Co.*, 106.

SCHOOLS.

High — District boards — Municipal Councils — By-laws, requisition for — High Schools Act. *Dougherty v. Township of East Flamborough*, 445.

Separate schools — Attempted delegation of powers of board to chairman — Interim injunction—Attempted evasion of — Rules of practice — Purpose of — Interim order for opening of schools closed — Preservation of statuts quo —

Adjournment of trial. *Mackell v. Board of Trustees of the Roman Catholic Separate Schools for the City of Ottawa*, 809.

SOLICITOR.

Action for bill of costs — Services performed for wife of defendant—Guarantee not proven — Liability of husband — Dismissal of action. *Beck v. Lang*, 413.

Agreement with client in foreign country — Contingent fee — Share of estate — Client, widow without independent advice — Duty of solicitor — Agreement made after relationship of solicitor and client established — Proof of foreign law — Lex loci contractors—Action to set aside agreement—Solicitors Act, R. S. O., c. 159, s. 56, et seq.—Impossibility of performance of agreement of solicitor—Lack of consideration —Agreement set aside. *MacMahon v. Taugher*, 774.

Application for delivery up of papers and funds to client — Retainer — Evidence — Costs. *Solicitor, Re*, 190.

Costs — Taxation — Retrospective application of tariffs of costs appended to rules of 1913 — Appeal from taxation of local officer — Right of appeal under Rule 508 — Objections to taxation — Procedure under Rules 681, 682 — Application of — Reference to Senior Taxing Officer at Toronto. *Solicitors, Re*, 571.

Fees for Surrogate work—Tariff —Recommendation by Surrogate Judge for increase. *Martin Estate, Joseph S., Re*, 393.

STREET RAILWAY.

Laying rails on streets under authority of by-law not submitted to electors — Statutory requirement—Action by persons affected to restrain laying of rails and to compel removal —Locus standi — Special and particular injury — Parties — Jurisdiction — Ontario Railway and Municipal Board. *Mitchell and Dresch v. Sandwich, Windsor and Amherstburg Railway*, 658.

Passenger on "through" car — Refusal to stop car to set down passenger at intermediate point—Action for breach of contract — Act of incorpora-