

tion to their proceeding : in erecting the new structure they also intentionally departed from what was known to be a feature of the old building ; thereupon the insured filed a bill to restrain the company from proceeding to erect the building in the defective manner pointed out, and praying that the company might be decreed specifically to perform the condition by erecting a house exactly, or at least substantially, corresponding with that destroyed. The Vice-Chancellor decreed the relief as prayed : from this decree the company appealed, and on argument thereof the Court reversed the decree so pronounced, and dismissed the bill ; but, under the circumstances, without costs.

The Home District Mutual Insurance Company
v. Thompson, 247.

NEW TRIAL.

(IN CRIMINAL CASES.)

Held, affirming the judgment of the Court of Common Pleas, that under the statute (20 Vic. ch. 61) the Court is not empowered to grant a new trial in criminal cases on any ground apart from what was done by either the Court or the jury at the trial ; such as the alleged discovery of new evidence, or a disappointment in obtaining witnesses.

The Queen v. Gray, 501.

NON-RESIDENTS.

See "Pleading."

NOTICE.

See "Mortgage," 1.

PARTIES.

(DEMURRER FOR WANT OF.)

See "Practice," 1.

PAYMENT.

See "Specific Performance."