

RECENT ENGLISH DECISIONS—LAW SOCIETY.

pointed a valuer. The valuers, not being able to agree, appointed an umpire who held a sitting, heard witnesses, and made an award in writing. The tenant, with the view of obtaining an order to remit the matters in dispute to the umpire for reconsideration, applied for an order to make the submission to arbitration contained in the agreement, together with the appointment of arbitrators and umpire, a rule of Court under the C. L. P. Act. But it was held that the agreement did not contain any submission to arbitration, but that it only provided for the appointment of valuers, and that it could not therefore be made a rule of Court. The ground of the decision may be gathered from the following observations which we extract from the judgment of Lord Esher, M. R.:

"The word 'arbitration' in s. 17 of the Common Law Procedure Act has been construed as meaning an arbitration to be conducted according to judicial rules, when the person who is appointed arbitrator is bound to hear the parties, to hear evidence if they desire it, and to determine judicially between them. He must have a matter before him which he is to consider judicially. As a consequence of this, it has been held that if a man is, on account of his skill in such matters, appointed to make a valuation in such a manner that in making it he may, in accordance with the appointment, decide solely by the use of his eyes, his knowledge and his skill, he is not acting judicially; he is using the skill of a valuer, not of a judge."

In the present case the Court was of opinion that the agreement only provided for the appointment of valuers and not arbitrators, and therefore there was no power in the Court to make the agreement a rule of Court.

DISCOVERY—LIBEL—COMPARISON OF HANDWRITING.

The only remaining case in the Queen's Bench Division which requires notice is that of *Jones v. Richards*, 15 Q. B. D. 439, which appears to be a decision of the Court of Appeal. The action was one for a libel contained in an anonymous letter, and the question was whether the defendant was bound to answer an interrogatory as to whether or not he was the writer of another letter addressed to a third person, and it was held that he was bound to do so. Lord Coleridge, C. J., says:

"The answer could be got from the defendant in the witness box in chief. The plaintiff would clearly have a right to put another document in the defendant's hand and ask him if that was in his

handwriting. If the answer were in the affirmative it might be cogent evidence that he also wrote the letter in question in the cause; and so it becomes relevant."

LAW SOCIETY.

TRINITY TERM, 49th VICT., 1885.

The following is the resumé of the proceedings of the Benchers on the 30th June, and during Trinity Term, published by authority.

During Trinity Term the following gentlemen were called to the Bar, namely:—

Messrs. George Morehead, Angus Claude Macdonell, John Jackson Scott, Angus MacMurchy, Leonard Hugh Patten, Spencer Love, James Baird, Philip Henry Simpson, Charles Julius Mickle, Louis Martin Hayes, Stephen Ormond Richards Edward Wm. Murray Flock, David Fasken, Sanford Dennis Biggar, George Hamilton Jarvis, John Alfred McAndrew, Archibald Gilchrist Campbell, Joseph Priestly Fisher, George Cory Thomson, Henry Thomas Shibley, Douglas Alexander, John Baldwin Hands, Stephen O'Brien, Ambrose Kenneth Goodman, Willoughby Staples Brewster, John Armstrong, John Shilton, John Strange, Henry Brock, Daniel Hugh Allan, Alexander George Murray, Francis Wolferstan Goodhue Thomas, John Frederick Grierson, Henry Walter Mickle, Francis Arthur Eddis, George Sandfield Macdonald, George Hiram Capron Brooke, Albert John Flint, Donald Macdonald Howard, John Andrew Forin.

The following gentlemen were granted Certificates of Fitness as Solicitors, namely:—

Messrs. A. Carruthers, W. S. Brewster, A. MacMurchy, A. E. O'Meara, J. Shilton, P. H. Simpson, S. Love, G. H. Jarvis, S. D. Biggar, J. Baird, J. A. McAndrew, C. J. Mickle, J. Armstrong, T. E. Parke, D. Alexander, J. D. S. C. Robertson, D. F. McArdle, F. E. Redick, W. H. Robinson, S. O'Brien, T. C. L. Armstrong, E. A. Langtry, R. J. Dowdall, H. Brock, D. H. Allan, J. F. Grierson, F. W. G. Thomas,