

amount awarded by him exceeded the valuation of some of the claimants' own witnesses.

Their Lordships, therefore, concur with the majority of the judges of the Court of Queen's Bench in the opinion that the judgment of the learned Judge of the Superior Court cannot be sustained. This being so, they are driven to the alternative of either affirming the judgments of the Court of Queen's Bench or of themselves fixing the amount of indemnity which ought to be paid. Notwithstanding the obvious inconvenience of the latter course, they would consider it their duty to adopt it if they saw clear proof that there had been a miscarriage of justice. But having listened with great attention to the arguments of the learned counsel for both parties, and having weighed with great care all the evidence in the case, they have come to the conclusion that they would not be justified in declaring against the opinion of the majority of the judges of the Court of Queen's Bench that there was error on the part of the Commissioners with regard to the amount of indemnity determined by them.

Their Lordships will, therefore, humbly advise Her Majesty to affirm the judgments of the Court of Queen's Bench and to dismiss this appeal. The appellants must pay the costs of the appeal.

CANADA.

SUPREME COURT.—The Session of the Supreme Court opened at Ottawa, Jan. 21, with an augmented list of causes for hearing. We defer notice of proceedings to next issue.

THE INSOLVENT LAW.—At the annual meeting of the Dominion Board of Trade, at Ottawa, Mr. Andrew Robertson, of Montreal, gave the following figures showing the operation of the Insolvent Act in Canada:—

| Years. | Insolvent. | Liabilities. |
|---|------------|--------------|
| 1872..... | | \$ 6,464,525 |
| 1873..... | 924 | 12,334,192 |
| 1874..... | 966 | 7,696,765 |
| Total..... | | \$26,495,482 |
| Or a yearly average of..... | | \$ 8,831,827 |
| During the last three years there were in | | |
| 1875..... | 1,968 | \$28,843,988 |
| 1876..... | 1,728 | 25,517,991 |
| 1877..... | 1,890 | 25,510,000 |
| Total..... | 5,586 | \$79,871,979 |
| Or a yearly average of..... | 1,862 | \$26,628,966 |

Another effort to repeal the Act will probably be made during the approaching session of Parliament.

INDEPENDENCE OF PARLIAMENT.—Several elections have taken place and others are in progress, in Nova Scotia and New Brunswick, occasioned by the resignation of members of Parliament who have inadvertently brought themselves within the reach of sec. 2 of 31 Vict., cap. 25, "An Act further securing the independence of Parliament." The section reads as follows:—

"2. No person whosever holding or enjoying, undertaking or executing, directly or indirectly, alone or with any other, by himself or by the interposition of any trustee or third party, any contract or agreement with Her Majesty, or with any public officer or department with respect to the public service of Canada, or under which any public money of Canada is to be paid for any service or work, shall be eligible as a member of the House of Commons, nor shall he sit or vote in the same."

QUEBEC.

The Court of Queen's Bench, Appeal Side, sits at Montreal, Jan. 29, for the purpose of rendering judgments.

RECENT ENGLISH DECISIONS.

Company—Forfeiture.—In a notice by the secretary of a company to a shareholder to pay an overdue call or assessment, the latter was notified to pay the call with five per cent interest from the day when the call was voted, or he would forfeit his stock; whereas the rules of the company prescribed interest in such cases only from the day when the call became payable. *Held*, that such notice was invalid, and no forfeiture took place. *Johnson v. Lyttle's Iron Agency*, 5 Ch. D. 687.

Husband and Wife.—O. was a clothier, and lived with his mother, but owned another house near by, where, in 1855, he installed the defendant as housekeeper, and soon after engaged to marry her. In 1861, she began on a small scale the business of fruit preserving. The business gradually increased until it became a large wholesale business. In 1874, O. married her, and went to live with her in the house she had occupied. She had carried on the business before the marriage entirely as her own, with her own means, and kept her own bank account, and at the date of the marriage she had over £1,500 on deposit. The husband's account at the same bank was overdrawn, and without his knowledge she drew from her account and deposited the amount to his to make good the