

## RECENT ENGLISH DECISIONS.

**Debenture Stock.**—Debenture stock (*i.e.* preferred stock) is a charge on the net profits and earnings of a trading corporation, and is no more land, tenement, or hereditament, or any interest in land, tenement, or hereditament, or charge or encumbrance affecting land, tenement, or hereditament, than the share stock in such corporation is, or a bond or other debt due from a man who has got real property in. *Semble* also the same as to debentures. *Ashton v. Langdale*, 4 DeG. & Sm. 402; and *Chandler v. Howell*, 4 Ch. D. 651, overruled.—*Attvee v. Howe*, 9 Ch. D. 337.

**Domicile.**—A Frenchman came to England in 1844, while still young, and lived there till his death in 1872. He was a shopman till 1851, when he formed a partnership with an Englishman, in the French form. He married an English Protestant in 1852, in a Protestant church, and without Catholic rites, though he was a Catholic. His wife died the next year. In 1853, he formed another partnership with an Englishman. In 1863, the partnership was renewed for ten years longer. In 1856, he married a Protestant whose father was French and mother English. They had three children, all brought up as Protestants, though the eldest, a son, was baptized in the Catholic form. For his second marriage, he got a certificate from the French consul. Beyond that, he took no step to have his marriages conform to French law. Before his first child was born, he made a will, invalid by French law, giving all his property to his wife. In 1872, he made another will, making use of provisions of English law and repugnant to French law. In the conduct of his business, the Paris branch was managed by an agent, and he only went there for visits of a few weeks at a time. There were in evidence some depositions of witnesses, that they had often heard him express an intention and a desire to return to France, and that in the Franco-German war he was patriotic and wished to join the French army. He refused to be naturalized, never leased a house for more than three years, and said there were many advantages in being an alien, among them freedom from serving on the jury. *Held*, chiefly on the strength of his marriages, that he had acquired an English domicile and abandoned his domicile of origin, and his estate was to be adminis-

tered without regard to the law of France.—*Doucet v. Geoghegan*, 9 Ch. D. 441.

**Ecclesiastical Law.**—1. The Court of Arches has no jurisdiction to suspend a clerk in orders, *ab officio et a beneficio*, for disobedience to a monition from that court, to abstain from certain illegal practices in the services of the church. Rule to Lord Penzance, official principal of the Arches Court, of Canterbury, and one Martin, to show cause why a writ should not issue to prohibit that court from enforcing such a decree of suspension against the Rev. Alexander H. Mackonochie, clerk. *Held*, by COCKBURN, C. J., and MELLOR, J. (LUSH, J., dissenting), that the writ should issue. (Cf. *Martin v. Mackonochie*, L. R. 3 P. C. 409, and *Hebbert v. Purchas*, L. R. 4 P. C. 301).—*Martin v. Mackonochie*, 3 Q. B. D. 730.

2. In a criminal suit under the Church Discipline Act (3 and 4 Vict. c. 86), the Arches Court had suspended the delinquent clerk *ab officio et a beneficio*, for six months, for certain illegal practices in the church service, and a motion was made to enforce the suspension, on the ground that the clerk had repeated the offence; and while the case was pending, the Queen's Bench, in *Martin v. Mackonochie* (3 Q. B. D. 730), decided that such suspension was beyond the jurisdiction of the Arches Court. *Held*, that though the Arches Court protested against that decision, it would "hold its hand" and "decline to proceed to compulsory measures at present." (Cf. *Combe v. Edwards*, L. R. 4 A. & E. 390; 2 P. D. 354).—*Combe v. Edwards*, 3 P. D. 103.

**Evidence.**—1. S., with two friends, F. & D., went to the L. railway station to see a friend off for D., on the up-train from K. to D., at 11.30 p.m. As the train for D. was coming up, S. crossed the road to the ticket-office for his friend's ticket. When he had got it, and started to return, the D. train had come in, and was stationary on the up-track. He crossed again, this time below the train, at the L. end, so that, when he was behind it, he could not see either track at the D. end of the station. As he stepped from behind the D. train, upon the down-track, an express train for K. struck and killed him. F. and D. and the friend, who remained on the side opposite the ticket-office, swore they heard no whistle, though they were very near, and D. said he saw the train and