

shown that the agreement to surrender was the result of negotiations between the respective governments, and of an express consent by the British Government.

FACTORY ACT (41 & 42 VICT., c. 16), s. 9 (R.S.O., c. 208, s. 15, s.s. 2)—
CHILDREN OPERATIVES—CLEANING MACHINERY.

Pearson v. The Belgian Mills Co. (1896), 1 Q.B. 244, was a case stated by magistrates. The complaint was laid under the Factory Act (41 & 42 Vict., c. 16), s. 9, for permitting a child to clean machinery while in motion. The Act provides, sec. 9, "a child shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water, or other mechanical power." The question was whether this prohibition extended merely to the part cleaned, or whether it prohibited the cleaning of a stationary part of the machine while any part of it was in motion. This question was answered in the affirmative by the Court of Appeal (Lindley and Kay, L.JJ.). Kay, L.J., says: "The statute means that, when *all* the parts of a machine which do move are moving, then no child shall be allowed to clean any part of that machine." But for "all" we think the words "any of" should be substituted. R.S.O., c. 208, sec. 15, s.s. 2, provides that "no machinery, other than steam engines, shall be cleaned while in motion, if the inspector so direct by written notice."

PROBATE—PRACTICE—TWO WILLS, ONE DEALING WITH ENGLISH, AND THE OTHER WITH FOREIGN PROPERTY.

In the goods of Murray (1896), P. 65, the testator had left two wills, one dealing exclusively with his property in England, and the other exclusively with his property in America. Different executors were named in each will. Difficulty having been found in proving the will relating to the American property in the American Court, owing to the inability to trace the witnesses to its execution, the American executor joined with the executors of the English will to have the American will admitted to probate in England as part of the English will. The American will provided that after realizing so much of his American property as was necessary for the pay-