

Court lays down the principle that in considering the validity of by-laws made by a public representative body like a county council the Court ought to be slow to judge them unreasonable, unless they find them to be partial and unequal in their operation as between different classes, or manifestly unjust, or made in bad faith: i.e. involving oppressive and gratuitous interference with the rights of those subject to them, as would in the minds of reasonable men be without justification. Mathew, J., suggests that in cases where there is no appeal from the decision of a Divisional Court, the decisions of one Divisional Court are not binding on another. This view was recently acted on by the Chancery Divisional Court in Ontario, sitting as a Court for Crown Cases reserved, when it differed from a previous decision of a similar court composed of the Judges of the Queen's Bench Division. See *Queen v. Hammond*, 29 Ont. 211.

INSURANCE—BURGLARY—LOSS BY THEFT—ENTRY BY OPENING DOOR—ACTUAL FORCIBLE AND VIOLENT ENTRY.

In re Goldsmiths and General Burglary Ins. Co. (1898) 2 Q.B. 136, a special case was stated by an arbitrator in this case. A policy of insurance was expressed to be made against "loss or damage by burglary and housebreaking as herein-after defined," and witnessed that if the property, which was jewellery, should be lost by theft following upon actual forcible and violent entry upon the premises wherein the same was situate, the insurers should pay. The jewellery was in a shop, the front door of which was shut, but not locked or bolted, and access could be gained by turning the handle of the door. In the absence of the porter, before the shop was opened for business in the morning, somebody opened the front door, entered the shop and stole the jewellery. The question was whether this was a loss covered by the policy. Wills and Kennedy, JJ., held that it was, and that the words "actual forcible and violent entry" excluded a constructive entry, but were satisfied by an actual entry, although not accompanied by any great degree of force or violence—provided it was such as to constitute housebreaking or burglary of the premises, and was equivalent to "breaking and entering."