

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH
DECISIONS.

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SPECIFIC PERFORMANCE—AGREEMENT FOR LEASE OF UNDIVIDED MOIETY IN MINERAL PROPERTY.

Hexter v. Pearce (1900) 1 Ch. 341, was an action for the specific performance of an agreement for a lease of an undivided moiety in a mineral property, with liberty to work and dig and sell the same. A doubt expressed by Knight Bruce, L.J., in *Price v. Griffith*, 1 D. M. & G. 80, as to whether the Court would grant specific performance of such a contract, was relied on by the defendants; but Farwell, J., was of opinion that the doubt of Knight Bruce, L.J., was not whether specific performance of a contract for a moiety should be granted, but whether it should be granted as against a person who really intended to buy or sell not a moiety, but the whole interest, and as no such difficulty existed in the present case he felt no difficulty in giving the plaintiffs the relief they asked.

PARTIES—FRAUDULENT PROSPECTUS—COMPANY AND DIRECTORS JOINED AS DEFENDANTS—DIRECTORS LIABILITY ACT, 1890 (53 & 54 VICT., c. 64) s. 3—(R.S.O. c. 216, s. 4).

In *Frankenburg v. Great Horseless Carriage Co.* (1900) 1 Q.B. 504, the Court of Appeal (Lindley, M.R. and Romer, L.J.) had to deal with a question of practice. The action was brought against the defendant company and its directors and the personal representatives of a deceased director, claiming as against the company cancellation of an allotment of shares to the plaintiff and the rectification of the company's register of members by the removal of the plaintiff's name therefrom, and against the other defendants pecuniary damages, on the ground that the plaintiff had been induced to subscribe for the shares in question by reason of statements contained in a prospectus issued by the defendants which the plaintiff claimed were false and calculated to mislead. Channel, J., was of opinion that there was a misjoinder of defendants and required the plaintiffs to elect whether they would proceed against