

tended on the part of the defendant that pheasants being *ferre nature* this averment of property was insufficient, inasmuch as it did not sufficiently appear that the eggs in question had been reduced into the possession of Gilbey. But the Court for Crown Cases Reserved (Lord Alverstone, C.J., and Lawrance, Ridley, Darling and Channell, JJ.) held that it was sufficient.

NEGLIGENCE—INFRINGEMENT OF PUBLIC RIGHT—SPECIAL AND PARTICULAR DAMAGE—NEGLIGENT NAVIGATION—DAMAGE TO DOCK—SPECIAL DAMAGE BY BEING DEPRIVED OF USE OF DOCK.

In *Anglo-Algerian SS. Co. v. Houlder Line* (1908) 1 K.B. 659 the plaintiffs sued the defendants for damages by reason of the defendants having through unskilful navigation injured a public dock necessitating its being closed for repairs, whereby the plaintiffs were prevented from having access to the dock. The plaintiffs' ship arrived at the dock in order to take a cargo which was ready in the dock to be shipped, but owing to the dock having been injured by the defendants through unskilful navigation, it was closed for repairs, and plaintiffs' vessel could not enter, and delay and loss was thereby occasioned to the plaintiffs; but Walton, J., (the trial judge) held that the defendants' negligent act was too indirectly connected with the plaintiffs' loss to give them any cause of action against the defendants. The action, therefore, failed.

DISTRESS—EXCESSIVE CHARGES BY BAILIFF—PENALTY FOR EXTORTION BY BAILIFF—DISTRESS (COSTS) ACT, 1817 (57 GEO. III. c. 93)—(R.S.O. c. 75, s. 6).

*Robson v. Biggar* (1908) 1 K.B. 672. It was held by the Court of appeal (Williams, L.J., and Barnes, P.P.D., and Bigham, J.), that a proceeding before justices to recover a penalty against a bailiff for extortion under the Distress Act, 57 Geo. III. c. 92 (see R.S.O. c. 75, s. 6), is a "criminal cause or matter," and, therefore, under the Judicature Act no appeal lay to the Court of Appeal from a decision of a Divisional Court on a case stated.

BANKRUPTCY—FOREIGN AND DOMESTIC ASSETS—POOLING OF ASSETS—CREDITORS.

In *re MacFadyen* (1908) 1 K.B. 675. Bigham, J., here authorized an English trustee in bankruptcy of an insolvent com-