

theless a breach of the Act. It is doubtful however whether such a case could be held a breach of the Dominion Act (R.S.C. c. 107) which is not in the same terms as the English Act.

COMPANY—DIRECTOR—REMUNERATION—ACTION BY DIRECTOR FOR REMUNERATION—CONDITION PRECEDENT.

Caridad Copper Co. v. Swallow (1902) 2 K.B. 44, was an action against a shareholder of a limited company to recover calls on shares in which the defendant, who was a director of the company, by way of counter claim claimed to recover £400 for two years' services as director. The articles of association provided that there should be allowed to each of the directors out of the funds of the company as a remuneration for his services £200 per annum to be paid at such times as the directors might determine. At a meeting of the directors held on 28 Dec., 1899, a resolution was passed the minute of which was as follows, "with reference to the question of unpaid directors' fees it was agreed, in view of the fact of the company being without funds, that the payment of the same should remain in abeyance for the time being," and no further resolution on the subject had been passed. Under these circumstances the Court of Appeal (Williams, Romer and Mathew, L.JJ.) agreed with Wright, J., that the counter claim could not be maintained, as the fixing of a time for payment of the remuneration was a condition precedent to the right of the directors to recover the same.

CROWN NOT NAMED IN ACT—LIABILITY—CROWN PREROGATIVE—EXCEPTION.

The Hornsey U.D. Council v. Hennell (1902) 2 K.B. 73, is an illustration of the rule of law that an Act of Parliament imposing pecuniary burdens on property does not bind Crown property unless the Crown is expressly named, or unless by necessary implication the Crown has agreed to be bound. Under the Public Health Act property abutting on streets was made liable for the expenses of paving such streets. The land sought to be made liable was acquired and occupied by a volunteer corps for military purposes and held under and subject to the provisions of certain Acts, and vested in the commanding officer for the time being of the corps, and it was held by the Divisional Court (Lord Alverstone, C.J., and Darling and Channell, JJ.) that it was land owned and occupied for the purposes of the Crown, and that therefore the commanding officer was not liable to taxation for paving, etc., of streets on which the property abutted.