the absence of special circumstances, be removed by him, at his own expense, and not by the seller.

Their Lordships do not consider it necessary, for the purposes of this case, to decide any of the questions which have been argued before them, in regard to the right of the Crown, either at common law, or under the provisions of the Dominion Act, 40 Vict., c. 10, to seize and retain possession of the machinery in question. It appears to their Lordships to be quite sufficient for the decision of the case between the original parties to it, that no offer has been made to implement the sale of the 28th August 1882, by delivering possession to the purchaser; and that, in point of fact, neither the sheriff nor the respondents have ever been in a position enabling them to give delivery to the appellant, in terms of Articles 1491, 1492, and 1493 of the Civil Code.

Accordingly their Lordships will humbly advise Her Majesty to reverse the judgment of the Superior Court, dated the 29th December 1882, and also the judgment of the Court of Queen's Bench dated the 23rd January 1883, and to grant the prayer of the appellant's petition to have it declared that he is freed from his obligation to pay the purchase money, and to dismiss the petition of the respondents for *folle enchère*, with costs to be paid by the respondents to the appellant of all the proceedings in both Courts, the respondents must also pay to the appellant his costs of this appeal. There will be no order as to the costs of the Crown.

McLeod Fullárton, counsel for Prévost in England.

Lacoste, Globensky, Bisaillon & Brosseau, attorneys for Prévost.

Sir Farrar Herschell, Q.C., and *Mr. Jeune*, in England, and

L. R. Church, Q.C., in Canada for Attorney General.

Lumley Smith, Q.C., and *Percy Gye*, counsel in England, and

J. L. Archambault, counsel in Canada for la Compagnie de Fives-Lille.

RECENT U.S. DECISIONS.

Railway—Negligence to Allow Combustible Materials to Accumulate etc.—Negligence may be imputed to a defendant railway company by a jury from evidence that combustible materials have been allowed to accumulate and remain upon its land, liable to be ignited by sparks from its engines, and to communicate fire to property upon adjoining lands. Evidence considered, and *held* sufficient to support the verdict. Dickinson, J., dissenting. In the opinion of the court by Vanderburgh, J., it is said that there was evidence tending to show that the defendant had allowed combustible materials to accumulate upon its right of way. "The evidence," he observed, "also shows that just before the fire broke out volumes of sparks were observed to escape from the smoke-stack of the engine; and on the part of the defendant it was shown that sparks are liable to escape more or less in the ordinary use of engines, though not out of repair or carelessly managed. If, therefore, combustible materials were allowed to remain upon defendant's land, liable, under the circumstances, to take and communicate fire to the adjacent meadows, from sparks escaping in the ordinary running of trains on the road, the jury might be warranted in imputing negligence to the defendant on this ground. *Kellogg* v. *Railway Co.*, 26 Wis. 223; *Railway* v. *Jones*, 44 Amer. Rep. 337. That plaintiffs had not taken precaution to prevent fire from communicating from the meadow to their stacks was not negligence *per se* on their part. *Karsen* v. *Railway Co.*, 29 Minn. 17; S. C., 11 N. W. Rep. 122." *Clarke* v. *Chicago, etc. R. Co.*, S. C. Minn., May 12, 1885; 23 N. W. Repr. 536.

GENERAL NOTES.

PILGRIM LAWYERS.—Mr. Vernon Lushington, Q.C., Mr. Bridges, and other members of the legal and medical professions, with a party of about 70, are making a pilgrimage to the home of Shakespeare. On Sunday the party visited Anne Hathaway's cottage, and there sang a number of Shakespearean glees in the garden. In the evening a concert of Shakespeare's songs, with Locke's music to 'Macbeth,' was given. The mayor of Stratford-on-Avon entertained the party, and under his guidance, visits were made to the poet's birthplace, and tomb in the church.—*Law Journal* (London), Aug. 8.