

mains, etc., and other appliances of a waterworks board, upon a compulsory sale of its property to another public body, the loss of profits to the board resulting from its being deprived of the right of supplying water could be taken into account; the court holding that it could not.

ARBITRATION—REFERRING BACK AWARD—DISCOVERY OF MATERIAL EVIDENCE AFTER MAKING OF AWARD.—ARBITRATION ACT, 1889 (52 & 53 VICT., c. 49), s. 10. (R.S.O., c. 53, s. 37).

*In re Keighley & Durant*, (1893) 1 Q.B. 405, the Court of Appeal (Lord Esher, M.R., and Lopes and Kay, L.JJ.) affirmed the decision of a Divisional Court, holding that under the Arbitration Act, 1889, s. 10 (see R.S.O., c. 53, s. 37), the court may remit an award back to arbitrators for reconsideration when it is shown that new and material evidence has been discovered since the making of the award.

WRIT OF HABEAS CORPUS—SERVICE OUT OF JURISDICTION—CO-DDEFENDANT WITHIN JURISDICTION—ACTION OF TORT—ORD. XL, r. 7 (g). (ONE RULE 271 (f)).

*Croft v. King*, (1893) 1 Q.B. 419, was an action for malicious prosecution, and was brought against Frederick & Co., and also against Frederick King, their managing director. Frederick King was served within the jurisdiction, but the company were domiciled out of the jurisdiction, and it was claimed by the plaintiff that the alleged malicious prosecution had been instituted by the defendant Frederick King at the instance of the company, and that therefore the company was a proper party to the action against Frederick King; an order having been made allowing service of the writ on the company, the company appealed therefrom to a Divisional Court (Day and Collins, JJ.). Some observations of Huddleston, B., and Cave, J., were relied on as showing that the jurisdiction to allow service out of the jurisdiction in actions of tort had been taken away by the Rules of 1883; but the Divisional Court held that the company was a proper party to the action against King, and therefore the service could be properly allowed under Ord. xl., r. 1 (g) (Ord. Rule 271 (g)).