

former that this grievance should be remedied has now been redeemed by the passing of Section 18 for the purpose.

A somewhat similar complaint was brought to the notice of Her Majesty's Government in connection with policies of Life Insurance issued in the Colonies by Insurance Companies carrying on business in the Colonies, but having their head office in the United Kingdom. The sums recoverable under such policies were held to be assets situated in the United Kingdom: and under Section 11 of the Imperial Revenue Act, 1884, the production of a grant of representation from a Court in the United Kingdom, by probate, or letters of administration, or confirmation, was necessary to establish the right to recover or receive such amounts.

The hardship of this provision upon persons who had no real connection with the United Kingdom has been recognised, and Section 19 has been passed to remove it.

I have the honour to be,

My Lord,

Your Lordship's most obedient  
humble servant,  
KNUTSFORD.

The Officer Administering  
the Government of Canada.

#### COURT OF QUEEN'S BENCH— MONTREAL.\*

*Railway—Damage caused by sparks from locomotive—Responsibility of Company—Prescription—Joint action by insurers and owner of buildings destroyed.*

*Held:—*1. (Following *Grand Trunk Railway Co. & Meegan*, M.L.R., 1 Q.B. 364), That a railway company is responsible for damage caused by sparks escaping from its locomotives, even in a case where the company has complied with all the requirements of the law, and has used the most approved appliances to prevent the escape of sparks.

2. The insurers who have paid part of the loss, and are subrogated *pro tanto*, and the owner of the buildings destroyed, may sue jointly for damages, for their respective claims.

3. The prescription of one year under 43-44 Vict. (Q.) c. 24, s. 6, applicable to claims for damages against provincial railways, applies where the damage was caused by a train of a company under provincial control, though the train was running at the time on a portion of the line of a federal railway company over which the former had running rights.

4. The same prescription applies though the provincial railway before the accident occurred, had been transferred by 46 Vict. (D) c. 9, s. 27, to Dominion control. *North Shore R. Co. & McWillie et al.*, Dorion, Ch. J., Tessier, Cross, Church, Bossé, JJ., Feb. 26, 1889.

#### SUPERIOR COURT—MONTREAL.\*

*Mandamus—Expropriation—Commissioners whose powers have lapsed.*

Commissioners appointed for expropriation have two duties, (1) to appraise and determine the indemnity for each property required, and to make and deposit a report of their appraisements; and (2) to apportion the cost among those who are to bear it.

*Held:—*That when the Commissioners have made and deposited the report of their appraisements, or when the delay for the completion of their work of appraisal and for the deposit of their report has expired without such deposit being made, all their powers as experts for the purposes of valuation cease, and a writ of mandamus will not then lie, to compel them to proceed (as they were by law bound to do) to value the residue not exceeding fifty feet in depth, of a property, taken for the improvement.—*Gurin v. Proctor*, Würtele, J., June 3, 1889.

*City of Montreal—Widening of St. Lawrence Street—52 Vict. ch. 79, s. 243.*

*Held:—*That under 51-52 Vict. (Q.), ch. 79, s. 14, as revised and consolidated by 52 Vict. (Q.) ch. 79, s. 243, the portion of the indemnity payable by the City, for the expropriation of the property required for the widening of St. Lawrence Street, may pro-

\* To appear in

Reports, 5 Q.B.

\* To appear in Montreal Law Reports, 5 S.C.