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BOSTON, Mass., U.S.A.**DECISIONS IN COMMERCIAL LAW.**

MURRAY V. REGINAM.—A contract with the Crown for building locks and other work on a Government canal provided for monthly payments to the contractor of 90 per cent. of the work done, at the prices named in a schedule annexed to the contract, such payments to be made on the certificate of the engineer, that the work certified for had been executed to his satisfaction, approved by the Minister of Railways and Canals; the obtaining of the certificate and approval was to be a condition precedent to the right of the contractor to receive payment of the 90 per cent., and the remaining 10 per cent. of the whole work was to be retained until its final completion. The engineer was to be the sole judge of work and material, and his decision on all questions with regard thereto, or as to the meaning and intention of the contract, was to be final, and he could make any changes or alterations in the work which he should deem expedient. The work to be done included the construction of a dam, and after it was begun the engineer decided that the state of the river bed required such dam to be made much deeper than was first intended. The earth for the dam was all to be brought from a certain place, but owing to the change that place could not supply enough, and, by direction of the engineer, the material excavated from the lockpits and entrances thereto was used for the purpose and paid for at the same rate as that first used, and the contractor was also paid the price specified in the schedule for carrying away the excavated material and depositing it in a bay in the vicinity. The engineer who certified to these payments having resigned, his successor caused a new examination and measurement of the work to be made, and decided that the contractors should not have been paid for the excavated material under both classifications as above mentioned, but allowed them a smaller sum than was paid as extra cost of depositing the material, which the contractors refused to accept, and a reference was had to the Exchequer Court to determine whether or not they were entitled to the larger amount. The Supreme Court of Canada held, reversing the judgment of the Exchequer Court, that the engineer in charge when the work was done having decided as to its character and value, his decision was final and could not be reopened nor reversed by his successor. Also, that the necessary certificate having been given and approved by the Minister, the contractors could proceed by action upon the progress estimate, and were not obliged to wait until the work was completed and the final certificate given before suing.

STEPHENSON V. VOKES.—Where a by-law is passed at the annual general meeting of a company providing for the allotment of certain new stock by the shareholders, the directors have no power to pass a new by-law directing its repeal, and providing for the allotment by themselves. At a meeting of the directors of a company, a by-law was passed providing that they should hold office for one year and until their successors were appointed, which was subsequently confirmed by the shareholders at the annual general meeting of the company, and certain persons were appointed directors Street, J., held that the by-law so passed could only be repealed at the next annual general meeting of the company; and therefore, a by-law passed during the directors' year of office by the shareholders at a special meeting of the company, providing that the appointment should be terminable by resolution, was invalid.

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