

with the Manitoba courts that no monopoly over the whole street had been granted to the company, but only that portion of it occupied by their rails: and the clause giving the company the refusal of other streets was held to be insufficient to constitute, contrary to the plain meaning of the previous stipulations, a right of monopoly in any of the streets of the city.

PRACTICE—CRIMINAL APPEAL—MISDIRECTION—COMMENT OF JUDGE ON PRISONER NOT OFFERING HIMSELF AS A WITNESS—(56 Vict., c. 31 (D.), s. 4, s-s. 2).

*Kops v. The Queen*, (1894) A.C. 650; 6 R. Dec. 18, was an application by a prisoner for special leave to appeal in a criminal case from the Supreme Court of New South Wales on the ground that the judge misdirected the jury in commenting on the prisoner having refrained from giving evidence. The Judicial Committee of the Privy Council (the Lord Chancellor, and Lords Hobhouse, Macnaghten and Morris, and Sir R. Crouch) held that such comment was according to law, and leave to appeal was refused. But by 56 Vict., c. 31 (D.), s. 4, s-s. 2, the failure of the person charged to testify is not to be made the subject of comment by the judge or counsel; and, therefore, in Canada such comments by a judge would probably be held to be misdirection.

COMPANY—DIRECTORS, LIABILITY OF, FOR ISSUING SHARES AT A DISCOUNT.

*Hirsche v. Sims*, (1894) A.C. 654; 11 R. Jan. 441, was an appeal from the Cape of Good Hope. Directors of a company had, without authority, issued paid-up shares at a discount, and the question was to what extent they were answerable to the company for so doing; and the Judicial Committee of the Privy Council (Lords Selborne, Watson, Macnaghten, Morris, and Shand, and Sir R. Crouch) held that they were liable for the amount of the discount allowed; but there being no proof of fraud, or of further resulting damages to the company, they were not liable for any further damages.

JURISDICTION OF COURT OVER ABSENT FOREIGNERS—DECREES AGAINST ABSENT DEFENDANTS, HOW FAR BINDING.

*Sirdar Gurdial Singh v. Faridkote*, (1894) A.C. 670, 11 R. Feb. 98, although an Indian appeal, is deserving of notice for the principles which the Judicial Committee of the Privy Council lay down in regard to the powers of local legislatures to confer jurisdiction on courts under their control over absent foreigners. These are