

(the Lord Chancellor and Lords Macnaghten and Davey) agreed that a trust to accumulate income in favour of a legatee, whether an individual or a charity, may, where such individual or charity alone is interested in such accumulation, be at any time stopped at the election of the person or charity entitled, and that they are entitled to be paid the future accruing income directed to be accumulated as it accrues, as well as the past accumulations and interest arising therefrom, without waiting until the period of accumulation named by a testator has elapsed.

MANITOBA SCHOOL ACT, 1890—33 VICT., C. 3, S. 22, S-SS. 2, 3 (D.)—APPEAL TO GOVERNOR-GENERAL IN COUNCIL.

*Brophy v. The Attorney-General of Manitoba*, (1895) A.C. 202; 11 R. April 35, is the much-discussed decision of the Privy Council reversing the decision of the Supreme Court of Canada, and affirming the right of the Roman Catholics in Manitoba to appeal to the Governor-General in Council for relief from the Manitoba School Act, 1890, so far as it operates to their prejudice.

COLONIAL SERVANTS OF THE CROWN—TENURE OF OFFICE—PETITION OF RIGHT—DISMISSAL OF SERVANT OF THE CROWN—LEAVE TO APPEAL—COSTS.

In *Shenton v. Smith*, (1895) A.C. 229; 11 R. April 25, the status of servants of the Crown in a colony having representative institutions is discussed. The action was a petition of right, in which the plaintiff claimed compensation for wrongful dismissal. He had been gazetted in the Colony of Victoria, without any special contract, to act temporarily as medical officer during the absence on leave of the holder of the office, and, before the leave of the latter officer expired, the plaintiff was dismissed. The Privy Council (Lord Herschell, L.C., and Lords Watson, Hobhouse, Macnaghten, and Shand) held that the plaintiff held office during pleasure, and had therefore no cause of action. The respondent had succeeded in the court below, and had recovered a verdict for £200, which was not a large enough sum to have warranted an appeal; but, owing to the importance of the question involved, special leave to appeal was given, but only on the terms of the appellant paying the respondents' costs of the appeal in any event.