

Com. Pleas.]

NOTES OF CANADIAN CASES.

[Chan. Div.

their guilt on several others. It was also proved that a number of these circular notes were found on F., and a number on H., and these letters were produced on the trial of the prisoner.

Held, that the evidence was properly received in proof of the guilty knowledge of the prisoner.

MacMahon, Q.C., for the Crown.

Rigslow, for the defendant.

REGINA V. McDONALD ET AL.

Criminal law—Separate indictments for similar offences—On trial of one of the indictments evidence received of charge on other—Admissibility.

Two indictments were preferred against the defendants for feloniously destroying the fruit trees respectively of M. and C. The offences charged were proved to have been committed on the same night, and the injury complained of was done in the same manner in both cases. The defendant was put on his trial on the charge of destroying M.'s trees; and evidence relating to the offence charged in the other indictment was admitted, as showing that the offences had been committed by the same person.

Held, that the evidence was properly received.

Johnston, Deputy Attorney-General, for the Crown.

G. T. Blackstock, for the defendants.

FRIENDLY V. CANADA TRANSIT CO.

Sale of goods—Consignor and consignee—Property passing—Right of action.

L. gave a verbal order to the plaintiffs for certain goods exceeding in amount \$400, which were shipped on defendant's steamer. The goods were insured by the plaintiffs, loss, if any, payable to them. The vessel arrived, and there being no wharf, a sort of gangway was constructed by means of which the cargo was discharged. One of the cases was duly landed and received by L., one slipped from the gangway into the water and was damaged, while the third remained on board in consequence of the purser requiring payment of the freight, not only on these cases, but on a variety of other goods consigned to L. before

he would deliver it up, which L. refused to do unless he had an opportunity of checking over the goods. Before the dispute was settled the steamer left, and, a few days afterwards, was lost with this case of goods.

Held (GALT, J., dissenting), that the property in these cases of goods had passed to the consignee L., and that the plaintiffs could not maintain an action for the loss and damage done to the goods.

D. E. Thomson, for the plaintiffs.

Tilt, Q.C., for the defendants.

CHANCERY DIVISION.

Proudfoot, J.] [Nov. 11, 1885.

CLARKE V. UNION FIRE INS. CO.—SHOOLBRED'S PETITION.

Company—Winding up—45 Vict. c. 23, (D.)—47 Vict. c. 39, (D.).

There is nothing in 47 Vict. c. 39, s. 2, to limit its application to companies being wound up at the date of 45 Vict. c. 23, (May 17th, 1882.) It applies to a company in liquidation, or in process of being wound up. Liquidation would apply to a company insolvent, though not technically being wound up, and against which proceedings are being taken to realize its assets and pay its debts.

Notice need be given to the company only, as was done in this case, and perhaps also to creditors, who have brought actions against the company, and whose actions would be stayed by the winding up order.

It is not correct to say that there is no power to refer the appointment of a liquidator under these Acts to the Master.

Proudfoot, J.] [November 11, 1885.

RATTE V. BOOTH.

Riparian proprietor—Navigable stream—Reservation in patent.

J. A. was the patentee of a certain water lot on the River Ottawa, and the description covered the lot, and two chains distant from the shore, but the patent contained a reservation "of the free uses, passage and enjoyment of, in, over and upon all navigable waters that shall or may be hereafter