been notified consented to the application. The grant of administration limited to the trust fund was made by Barnes, J.

SUBROGATION—DEBENTURES—OVERDRAFT TO PAY INTEREST—BANKER AND CUSTOMER.

In re Wrexham M. & C. Q. Ry. Co. (1899) 1 Ch. 440, the Court of Appeal (Lindley, M.R. and Rigby and Williams, L.JJ.) have affirmed the decisions of Romer, J. (1898) 2 Ch. 663 (noted ante p. 181) and (1889) 1 Ch. 205 (noted ante p. 269) holding that there was no right on the part of the bank to stand in the place of the creditors to whom they had paid interest, or to contend that their claims had not in fact been paid; the Court of Appeal holds that the bank may have a right of action to recover the overdraft from the company to the extent to which it had been applied in paying debts of the company, notwithstanding that the company was exceeding its borrowing powers in obtaining such advance; but that that right does not depend upon the doctrine of subrogation, although it has been in some cases used to account for the decisions, as according to the Court of Appeal it is really based on an equitable view of the case and by the consideration that although the borrowing powers of the company may have been exceeded yet its actual liabilities have not been thereby increased.

PARTIES—PLAINTIFFS—ACTION ON BEHALF OF A CLASS OF THE PUBLIC—RULES 131, 289 (ONT. RULES 200; ONT. J.A. S. 57 (5))—PRACTICE.

Ellis v. *Bedford* (1899) 1 Ch. 494, was an action brought by the plaintiffs (six in number) who sued on behalf of themselves and all other growers of fruit, flowers, vegetables, roots and herbs within the meaning of a certain Act for the regulation of a market held on property owned by the defendant, to enforce certain preferential rights to stands in the market, alleged by the plaintiffs to have been given by the Act to the class of growers above referred to. It was contended by the defendant that the plaintiffs could not join as they were suing in two capacities, one personal and the other representative. As to the first each plaintiff had each a separate and distinct cause of action, and as to the second the plaintiffs had no right to represent all the other classes of growers and holders of stalls, and under *Stroud* v. *Lawson* (1898) 2 Q.B. 44 (noted ante vol. 34, p. 648) actions of this kind could not be combined in one