ously reversed, while on appeal to the Supreme Court the decision of the Court of Appeal was reversed, Strong, J., however, dissenting. The following Judges were in favour of the plaintiffs: Moss, C. J. A., Burton, Patterson & Morrison, JJ. A., and Strong, J.; those in favour of the defendants being Blake, V.C., Ritchie, C. J., and Fournier, Henry & Gwynne, JJ. The case seems to have turned altogether on the question whether the plaintiffs were to be regarded as acting as principals or agents. The Court of Appeal held them to be merely agents, whereas the Supreme Court agreed with the judge of first instance that they must be regarded as having acted as principals, and that the taking of the bill of lading in the way in which it was taken indicated a clear intention on the part of the plaintiffs not to part with the property in the goods until payment; and, consequently, that in the meantime the goods were (notwithstanding the way they were invoiced by the plaintiffs) really "at the risk" of the plaintiffs—the consignors.

In *Crysler* v. *McKay* the opinion of nine judges was overruled by three judges of the Supreme Court. In the Mercer case four judges of the Supreme Court overruled the opinions of seven judges, and the latter were ultimately held by the Privy Council to have correctly decided the case. Although the mere counting of heads is by no means an infallible test of the probable accuracy of a decision, yet perhaps after all it is a more satisfactory mode of arriving at a decision than leaving the matter to a chance majority in the ultimate Court of Appeal, and we are by no means clear that it would not be a wise provision to make, that the decision of the Supreme Court shall not have the effect of reversing any judgment, unless the total number of judges concurring in the reversal, that is to say in all the Courts, shall exceed in number those who have pronounced in favour of the respondent. If every judge of the Supreme Court was of such transcendent ability that his opinion was infallibly of greater value than those of the judges of first instance, and of the intermediate appellate Court, this might be unwise, but it is paying no disrespect to their Lordships of the Supreme Court to say that men are to be found both in the Courts of first instance and in the intermediate appellate tribunals of this Province, who are the peers in every respect of any members of the Supreme Court bench, and it cannot but be unsatisfactory to any suitor to find that, although he has succeeded in obtaining a large majority of judges in his favour, he has, nevertheless, been worsted in the litigation.

RECENT ENGLISH DECISIONS.

THE bulky December number of the Chancery Division Law Reports, comprising 24 Ch. D., p. 253 to p. 744, contains several important decisions which it is now proposed to notice.

SOLICITOR AND CLIENT—ENJOINING SALE BY MORTGAGEE.

At p. 289 is a case of *Macleod* v. *Jones*, in which, while the general rule in respect of granting injunctions to restrain mortgagees exercising their power of sale is affirmed to be, in the language of Brett, M.R., that a mortgagee "could not be stopped from selling the estate without the mortgagor paying into court, or otherwise securing to him, not what the court might think *primâ facie* was due to him as far as they could ascertain, but without paying into court that which he demanded, subject to a subsequent enquiry," yet it is held there is a difference, where, as in this case, the mortgagee is a solicitor endeavouring to enforce securities against his client. Here the plaintiff had allowed her solicitor to buy up a number of mortgages on her property, and take a transfer to himself, and was