tiff's mortgage on the entire revenue of the railway, but made no declaration on that point. The Judicial Committee of the Privy Council (Lords Watson, Hobhouse, Macnaghten, Morris, Shand and Davey) agreed with the Manitoba Court that the whole division of 180 miles was under the Railway Act a section capable of sale in its entirety, and that the Provincial Court had no power to order a sale, because a part of the section was situate outside of its territorial limits. The Committee also held that until sale, or entry by the mortgagees, the working expenses of the whole line are chargeable on the whole revenues of the railway, and only the net earnings of the division mortgaged to the plaintiffs, would be applicable in the hands of the receiver to the payment of the plaintiff's mortgage. On the appeal to the Privy Council the respondents attempted to argue that the power of sale in the plaintiff's mortgage was invalid, and the appellant also attempted to raise questions as to the position of the appellant in the event of his making an entry under the mortgage and of the purchaser in the event of a sale under the power, but none of these questions having been presented for adjudication in the Court below, the Committee declined to hear argument or pronounce any opinion thereon. This case, we may observe, seems to disclose a defect in our judicial system, which it may at no distant date be necessary to rectify. It would seem to be expedient that the Exchequer Court should be empowered to deal with cases in which the Provincial Courts are unable to administer justice, owing to the subject matter of a controversy being partly in one Province and partly in another. It also seems to suggest the very gravest doubt as to the constitutionality of those sections of the Mechanics' and Wage Earners' Lien Act of 1896, of Ontario, which purport to enable the High Court to enforce mechanics' liens against railways under Dominion control.

COMPANY—ARTICLES OF ASSOCIATION—CONSTRUCTION CHAIRMAN—ADJOURNMENT, REFUSAL OF BY CHAIRMAN - PRACTICE LEAVE TO APPEAL.

Salisbury Gold Mining Co. v. *Hathorn*, (1897) A.C. 268, is a somewhat exceptional case, because leave was granted by the Privy Council to appeal from a judgment which was not final,