1.—Has the Provincial Legislature power under the B. N. A. Act, 1867, to interfere in any way with the procedure in Superior, District, or County Courts?

2.—If they have such a power, can they exercise it directly, or only by the accustomed channels?

3.—If the Provincial Legislature have the power, and may exercise it by their own deliberation and vote, can they delegate the power to any other body, as is attempted to be done by s. 17 of the Act of 1879, and s. 32 of the Act of 1880. In other words—Are those sections constitutional?

(*To be continued.*)

RECENT DECISIONS.

We can now proceed to the February numbers of the Law Reports, which comprise 19 Ch. D. p. 61—p. 206, and 8 Q. B. D. p. 69—p. 166.

PRACTICE—CONDUCT OF PROCEEDINGS.

The first case, *in re Hopkins*, p. 61, has reference to a point of practice. Next of kin commenced an action for administration against an administrator *cum testamento annexo*, and obtained an order for the administration. Afterwards it became necessary for the said administrator, in his capacity as such, to institute a suit for administration of another estate, and he also obtained an order for administration. A short time after, he became bankrupt. The plaintiffs in the first action now applied for a receiver to be appointed of the estate of their testator, and also for liberty to themselves continue the second action. The Court of Appeal held both parts of the application should be granted, for (i.) whether the administrator's conduct had been fradulent or not, it was not fit that a man who is a bankrupt should continue to be a trustee without the consent of the *cestuis que trust*, therefore it was right a receiver should be appointed; (ii.) the administrator, having become bankrupt, could not be allowed to carry on a suit in which he was plaintiff; therefore the plaintiffs in the other action or else the receiver must carry it on, but the conduct of an action is now never given to a receiver.

CONTRACT—"UNAUTHORIZED" BUT NOT "ILLEGAL."

In the next case, *in re Coltman*, p. 64, the Court of Appeal held that where the trustees of a Friendly Society had loaned money on a promissory note of a non-member, this, although unauthorized by the Act, was not rendered illegal thereby; and since it was not competent to the makers of the note to allege by way of defence that the payees had no authority to lend the money, the trustees could recover against the estate of one of the makers, who had died. Jessel, M. R., observes, p. 69,—"There is nothing in the Act which directly or indirectly prohibits the lending on personal security, beyond the fact that it gives the trustees no authority to do so, and that their doing so would therefore be a breach of trust. I cannot find anything in the Act which could prevent all the members from effectually authorizing a loan on such security, though a mere majority could not do so. There is, therefore, nothing that I can find in the Act of Parliament which makes the loan illegal."

BAILOR AND BAILEE—JUS TERTII.

In *ex parte Davies*, p. 86, after the filing of a liquidation petition, an auctioneer took possession of the chattels comprised in a bill of sale, on the instructions of the holder thereof, and advertised them for sale. The intended sale was, however, stopped by an injunction, and the trustee in bankruptcy asserting his claim, the auctioneer, on his instructions, advertised the goods as for sale by his order. The sale took place, and the auctioneer having received notice from the holder of the bill of sale not to pay the proceeds over to the trustee, refused to do so. The trustee now applied to the Court of Bankruptcy for payment to him. The Court of Appeal held