the jurisdiction, did not have the effect of superseding the provisions of the statute of Anne (see R.S.O., c. 60, s. 5), and that the claim of the defendants was therefore not barred.

CRIMINAL LAW—EMBEZZLEMENT—THEFT—ILLEGAL ASSOCIATION—THEFT BY CO-OWNER—31 & 32 VICT., C. 116, S. 1—(CRIMINAL CODE, S. 311).

In *The Queen* v. *Tankard*, (1894) 1 Q.B. 548, a case was reserved on the point whether a person who was a member of an association which was illegal under the Companies Act, 1862, for want of registration could be convicted of embezzlement of the funds of the association under 31 & 32 Vict., c. 116, s. 1 (see Criminal Code, s. 311). Lord Coleridge, C.J., and Mathew, Grantham, Lawrance, and Collins, JJ., answered the question in the affirmative. Notwithstanding that the association had not conformed to the law, Lord Coleridge said: "It would be a very strong thing to hold that an association not expressly sanctioned by law, yet not criminal, is incapable of holding any property at all." We may here note that the Canadian Criminal Code appears to have virtually abolished the technical distinction which formerly existed between theft and embezzlement, and all such crimes are classed in the Code under "Theft."

PROHIBITION—WANT OF JURISDICTION APPEARING ON THE FACE OF THE PROCEEDINGS—ACQUIESCENCE.

Farquharson v. *Morgan*, (1894) 1 Q.B. 552, may be noted for the fact that therein the Court of Appeal (Lord Halsbury, and Lopes and Davey, L.JJ.) reaffirmed the well-settled principle that where on an application for a prohibition it manifestly appears on the face of the proceedings that the inferior court has no jurisdiction, a prohibition must be awarded *ex debito justitiæ*, even though the applicant may have acquiesced in the exercise of jurisdiction by the inferior court; though it seems it is otherwise, and in the discretion of the court, where the want of jurisdiction is latent, and depends on some fact within the knowledge of the applicant which he has neglected to bring to the attention of the inferior court, and where he has delayed moving for a prohibition.

INTERPLEADER—PAYMENT OF MONEY INTO COURT BY CLAIMANT TO ABIDE ISSUE—MONEY PAID OUT TO EXECUTION CREDITOR—ESTOPPEL.

In *Haddow* v. *Morton*, (1894) 1 Q.B. 565, the Court of Appeal (Lord Esher, M.R., and Lopes and Davey, L.JJ.) have affirmed the judgment of Charles and Wright, JJ. (noted *ante* p. 123).