

The death of a client of necessity puts an end to his solicitor's authority to act for him, and according to ordinary principles of law governing the relation of principal and agent, if the solicitor should take proceedings in his deceased client's name, he would be personally liable for so doing to the person against whom such proceedings were taken. Is that law intended to be upset?

*STAYING EXECUTIONS ON APPEALS TO PRIVY
COUNCIL.*

In *Mitchell v. Fidelity & Casualty Co.*, 11 Ont. W.N. 371, the second Divisional Court has solved what appeared to be a somewhat difficult point of practice in a very satisfactory way, if one may be permitted to say so. The defendant had obtained from the Judicial Committee of the Privy Council special leave to appeal to His Majesty in Council, and desired to stay execution pending the appeal, and they applied to Mr. Justice Riddell in Chambers for that purpose. That learned Judge thought that the case was not governed by the Privy Councils Appeal Act (R.S.O. c. 54, s. 10) because that section only relates to appeals as of right, and consequently that where special leave to appeal is granted it is only the Judicial Committee of the Privy Council who have power to stay execution pending the appeal. The Divisional Court, while agreeing with Riddell, J., that s. 10 did not apply to such cases, came to the conclusion that the Court of first instance has an inherent jurisdiction to stay proceedings, and that by virtue of that jurisdiction it was competent to stay the execution as asked. It might have possibly proved a practical denial of justice in some cases, if it had been held that the jurisdiction to stay execution in such cases rested solely with the Judicial Committee; to say nothing of the expense of any application, however trifling, to that august body.