

down in *Pugh v. Heath*, that to be within the Act, the mortgage must be a subsisting mortgage. As regards the second point the judgment is very brief. As to that point the Lord Justice says: "Further, we think that that Act (7 W. 4, & 1 Vict. c. 28) does not confer a new right of entry on the mortgagee when at the time of making the mortgage, a man is in possession holding adversely to the mortgagor, and the statute 3 & 4 W. 4, has already begun to run in his favor against the mortgagor." This point would have borne, we think, a little more elaboration than it has received.

PRACTICE—LIBEL—CONSOLIDATION OF ACTIONS—LAW OF LIBEL AMENDMENT ACT, 1888 (51 & 52 VICT., C. 64, S. 5—(57 VICT., C. 27, S. 5, ONT.)

In *Stone v. Press Association*, (1897) 2 Q.B. 159, a Judge in Chambers had made an order under the Law of Libel Amendment Act, 1888, (51 & 52 Vict. c. 64,) s. 5, (see 57 Vict. c. 27, s. 5 (O)) consolidating this action with sixteen other actions brought by the same plaintiff against other defendants in respect of the same libel, which was contained in a paragraph of a libellous nature which had been supplied by the defendants the Press Association to the other defendants, who were owners of various newspapers. The order was made before the pleadings were closed, and it was contended by the plaintiff that there was no jurisdiction to make the order until the close of the pleadings, or at all events that it was an erroneous exercise of judicial discretion so to do. The Court of Appeal (Lord Esher, M.R., and Smith and Rigby, L.JJ.) held that there was clearly jurisdiction to make the order, and thought that under the circumstances the order was properly made, and dismissed the appeal.