understanding with the agent was not to release him but merely to suspend the right of action against him, and at any rate was not binding on the plaintiff corporation because it was not under seal, and was besides *ultra vires*. All the members of the Court were of opinion that the cause of action of the plaintiffs against the agent and the defendant respectively were distinct and not dependent on each other, and that the plaintiffs had a right to recover from one the bribe he had received, and from the other the increased price, and that the recovery in one action would be no defence to the other.

INFANT—CUSTODY OF ILLEGITIMATE INFANT—PRACTICE—APPEAL FROM DECISION OF DIVISIONAL COURT ON APPLICATION AS TO CUSTODY OF INFANT—HABEAS CORPUS.

The Queen v. *Barnardo (Jones'* case) (1891), 1 Q.B. 194, is a case in which the mother of an illegitimate child of ten years old claimed the right to remove it from the care of Dr. Barnardo, the well-known philanthropist, in order to place the child in a Roman Catholic institution. The child had been placed with the doctor with the mother's consent, and had been an inmate of one of his institutions for eighteen months when, instigated by some zealous Roman Catholics, she desired that the child should be removed from the defendant's custody and placed with Roman Catholics. The application was made to a Divisional Court on behalf of the mother for a *habeas corpus* to bring up the body of the infant. The application was strenuously resisted by the defendant, principally on the ground that the mother was a person of bad character and not fit to have the custody of the child herself, and therefore not fit, as the defendant contended, to have any voice in saying whether any other person should have the custody of it. The Divisional Court (Lord Coleridge, C.J., and Mathew, J.) granted the application, and appointed a guardian for the child, nominated by the mother, holding that in the case of an illegitimate child the Court will in a proper case give the same effect to the mother's wishes in respect of the care, maintenance and education of the child, as it gives to the wishes of a father of a legitimate child in these respects. The Court of Appeal (Lord Esher, M.R., Lindley and Lopes, L.JJ.), though not agreeing with the strictures made on the defendant's conduct in the court below, affirmed the decision; and in doing so, decided that an appeal would lie to the Court of Appeal from such an order, and that the recent decision of the House of Lords in *Cox* v. *Hakes*, 15 App. Cas. 506, did not apply.

PRACTICE—GARNISHEE ORDER—AFFIDAVIT ON INFORMATION AND BELIEF—ALLEGATION AS TO DEBT DUE BY GARNISHEE—INQUIRY AS TO OTHER DEBTS—ORD. XIV., R. 1 (ONT. RULE 935).

In *De Pass* v. *The Capital and Industries Corporation* (1891), 1 Q.B. 216, the Court of Appeal (Lord Esher, M.R., Lopes and Kay, L.JJ.) came to a conclusion on a point of practice which is at variance with cases in our courts (see Robinson & Joseph's Digest, pp. 273-4), *viz.*, that on an application to attach a debt an affidavit on information and belief that a specific debt is due from the garnishee is sufficient to found the application; the Court also decided that it is not an answer to the application based on such an affidavit for the garnishee merely to deny that the specific debt is due, but that he may be required to depose that