

litigation. The plaintiff, having recovered judgment against a firm, now sought the appointment of a receiver by way of equitable execution to receive certain debts and other assets of the firm. The order appointing the receiver had been granted by Wright, J., and his order had been affirmed by a Divisional Court (Lord Coleridge, C.J., and Collins, J.). The Court of Appeal (Lord Esher, M.R., Lopes and Davey, L.JJ.), however, took a different view of the matter, and in the judgment of the court, delivered by Davey, L.J., we find a careful exposition of the law on the subject of equitable execution, the conclusion reached being that it is only a taking out of the way of a hindrance which prevents execution at common law, and that, where there is no such hindrance, it ought not to be granted. Strictly speaking, the appointment of a receiver is not execution, but equitable relief granted on the ground that there is no remedy by execution at law. It is, therefore, not an appropriate remedy for reaching debts that can be garnished, or assets that may be seized by the sheriff. The words of the Judicature Act, s. 25, s-s. 8 (Ont. Jud. Act, s. 53, s-s. 8), authorizing the court to grant an order for a receiver where it is "just as convenient," do not, in the opinion of the Court of Appeal, "confer an arbitrary or unregulated discretion on the court, and do not authorize the court to invent new modes of enforcing judgments in substitution for the ordinary modes."

PRACTICE—NEW TRIAL—INDICTMENT FOR OBSTRUCTING HIGHWAY.

In *The Queen v. Berger*, (1894) 1 Q.B. 823, the defendant had been indicted and found guilty of obstructing a highway. He applied for a new trial on the ground of misdirection and improper reception of evidence. It was contended that the indictment was for a criminal offence, and that, therefore, there was no jurisdiction to grant a new trial; but the court (Cave and Wright, JJ.) held that there was jurisdiction to grant a new trial in such cases where the defendant had been found guilty, though not where he had been acquitted, and, being of opinion that the evidence objected to had been improperly received, they granted the application.

BAILOR AND BAILEE—LIEN OF BAILEE FOR CHARGES—RIGHT OF BAILEE AS AGAINST TRUE OWNER.

*Singer Manufacturing Co. v. London & S.W. Cy. Co.*, (1894) 1 Q.B. 833, is a suit to settle the question of a right to recover a