

probable bias suggested being that he would have to decide on matters affecting the professional skill and competence of himself and his own son, the Court of Appeal (Lord Esher, M.R., and Lopes and Davey, L.JJ.) were of opinion that that was not sufficient reason for permitting the plaintiff to proceed with the action. (See, *infra*, *Ives v. Willans*.)

PRACTICE—PARTIES—NONJOINDER OF CO-CONTRACTORS AS DEFENDANTS—STAYING ACTION—ORD. XVI., R. 11 (ONT. RULE 324).

*Robinson v. Gensel*, (1894) 2 Q.B. 685; 9 R. Sept. 209, was an action brought against one of several joint contractors, all of whom were within the jurisdiction of the court. The defendant originally sued obtained an order that the other joint contractors should be added as defendants, and that, in the meantime, proceedings should be stayed. They were accordingly added, one was served and the other was not, because he could not be found. Without serving him, the plaintiff proceeded with the action against the two who had been served, and an application was again made to stay it until the one who could not be found was served. The Divisional Court refused the application, and the Court of Appeal (Lord Esher, M.R., and Kay and Smith, L.JJ.) upheld their decision. In Ontario, probably, an order would, in such a case, be made for the substitutional service of the missing party.

PROBATE—FOREIGN WILL—PERSONS APPOINTED TO REALIZE PROPERTY IN ENGLAND.

*In re Briesemann*, (1894) P. 260; 6 R. Oct. 28, a German domiciled in Germany made a will, appointing certain persons in England to realize his estate in England, and pay over the proceeds to his executors in Germany. The court made a grant of administration to the persons so appointed, for the use and benefit of the executors in Germany.

ADMINISTRATION PENDENTE LITE, DURATION OF.

*In Wieland v. Bird*, (1894) P. 262, the President decided that the functions of an administrator *ad litem* came to an end with the pronouncing of a decree in favour of a will with executors, and it would seem that it is the same if there be no executors. A grant of probate is not necessary to put an end to his powers.

ADMINISTRATION—GRANT TO PERSONAL REPRESENTATIVE (F NEXT OF KIN).

*In re Kinchella*, (1894) P. 264; 6 R. Oct. 25, a person died intestate, leaving two daughters and a grandson. The daughters