

against other creditors, was good between the parties, and therefore merged the debt, and consequently there was no debt to pay; and that, being bad as against creditors, the judgment could not be validly paid. But their lordships in appeal were agreed that a creditor could not be heard to say that the judgment was void, and yet that it was good for the purpose of merging the debt. Of course in Ontario, on a deficiency of assets, it is the duty of a personal representative to pay all creditors rateably, and this case would be no authority for disobeying the express provision of the statute (R.S.O., c. 110, s. 32).

INTERNATIONAL LAW—AMBASSADOR, PRIVILEGE OF—BRITISH SUBJECT AS SECRETARY TO FOREIGN EMBASSY.

In *McCartney v. Garbutt*, 24 Q.B.D., 368, a point of international law came up. The plaintiff was a British subject who had been duly appointed and received by the British Government as the secretary of a foreign ambassador, without any reservation that he should continue to be subject to the laws of his own country. His goods were distrained for parochial rates, and the action was brought to recover damages, as for a wrongful distress, on the ground that he was, as a member of the staff of a foreign ambassador, exempt from payment of the rates. Mathew, J., who tried the case, was of opinion that the plaintiff's contention was correct, and that a British subject is entitled to the privilege as well as a foreigner, unless he is received by the British Government upon the express condition that he is to remain subject to the local jurisdiction of his own country.

MANDAMUS TO CORPORATION—DISCRETION, EXERCISE OF, BY PUBLIC BODY.

*Reg. v. St. Pancras*, 24 Q.B.D., 371, shows that where a discretion is vested in a public body, such as a municipal corporation, and in the exercise of that discretion they allow themselves to be influenced by an erroneous view of their legal rights in the matter, the party injured may obtain a mandamus to compel them to reconsider their action. In this case a municipal body were, in their discretion, empowered to grant retiring servants a superannuation allowance, not exceeding a certain rate; but in considering an application for such an allowance the corporation were influenced by the opinion that if any allowance were granted they had no discretion as to the amount, but must give the highest sum the statute authorized, and therefore rejected the application altogether. The Court of Appeal (Lord Esher, M.R., and Fry, L.JJ.) therefore affirmed the mandamus which had been granted by Lord Coleridge, C.J., and Mathew, J., requiring them to reconsider and determine the application.

BUILDING SOCIETY—NOTICE OF WITHDRAWAL BY MEMBER—INSOLVENCY OF BUILDING SOCIETY.

In *re Sunderland Building Society*, 24 Q.B.D., 394, a question arose as to the rights of members of a building society under a rule of the society enabling members to withdraw, and to receive back payments made by them, with interest. It was held by a Divisional Court (Lord Coleridge, C.J., and Mathew, J.) that the rule only enabled members to withdraw while the society was sol-