COMMENTS ON CURRENT ENGLISH DECISIONS.

The *Law Reports* for June comprise 20 Q. B. D. pp. 721-839, and 38 Chy. D. pp. 1-237.

PRACTICE—PAYMENT INTO COURT—DEFENCE SETTING UP TENDER—DENIAL OF LIABILITY—PAYMENT OUT OF COURT.

Davys v. *Richardson*, 20 Q. B. D. 722, shows that the English rules respecting the payment of money into court are sufficient to prevent the injustice which under the Ontario Rules, a party paying money into court with a denial of liability, is liable to, as demonstrated by the case of *Bell* v. *Fraser*, 12 App. R. 1; 13 S. C. R. 546.

In the present case, the action was brought for wrongful dismissal, claiming a year's salary. The defendant pleaded that the plaintiff was only entitled to one month's notice, or in the alternative to three months' salary; that before action, the defendant tendered three months' salary, which the plaintiff refused; that the defendant had paid that sum into court, and it was sufficient to satisfy the plaintiff's claim. The plaintiff took the money out of court without an order, but continued the action, and in the result was found only entitled to one month's salary. The present application was by the defendant to compel the plaintiff and his solicitor to refund the two months' salary paid in, over and above what the plaintiff had been found entitled to. Pollock, B., refused to make the order; but the Divisional Court (Lord Coleridge, C.J., and Mathew, J.), held that the defendant was entitled to the order as asked, and that the plaintiff, under the circumstances, was irregular in taking the money out of court without an order. The Consolidated Rules, we believe, will be found to have placed the practice on this point in Ontario, on the same footing as it is in England, as appears by this case.

ECCLESIASTICAL LAW—MANDAMUS.

The Queen v. *The Archbishop of York*, 20 Q. B. D. 740, is a case which the historical student can hardly afford to pass by. The application was for a mandamus to the Archbishop of York, as President of the Convocation of York, to compel him to admit the Rev. Canon Tristram, as a proctor to the Convocation duly elected. The Archbishop appeared in person, and, in a learned and able argument, succeeded in satisfying the court that it had no jurisdiction. The judgment of the court was delivered by Lord Coleridge, and in the concluding paragraph he says:

"What we are asked to do, is to interfere in the internal affairs of an ancient body as old as parliament and as independent, to control the action of its president, and to revise or reverse his decision on a matter relating to the constitution of the body itself. For 700 or 800 years it is conceded that no precedent for such an interference can be found. Such an interference would not only be without a shadow of precedent, but would be inconsistent with the character and constitution of the body with which we are asked to interfere."