

for bets lost on horse racing, and subsequently was adjudicated a bankrupt. His trustee in bankruptcy sued for the amount of the cheques. The defendant contended that such an action was practically dishonest, and should not be brought by an officer of the Court. It was held by Astbury, J., that all proceedings should be stayed on this ground. On appeal, however, it was held that where a right of action was vested in a trustee in bankruptcy in respect of a statutory debt, the Court was not entitled to say that it was dishonourable for him to enforce it, and judgment was given for the plaintiff.

**Power of appointment—Exercise to obtain personal advantage—Freedom to re-marry—Fraud on power.**

*Cochrane v. Cochrane*, 1922, 2 Ch. 230; Sargant, J. A husband, being anxious to have a decree *nisi* made absolute in order that he might re-marry, agreed, at the request of his wife, to appoint in favor of the only child of the marriage more than half of a fund of £50,000, over which he was the donee of a special power of appointment amongst his children or remoter issue. There being issue by his second marriage, he purported to appoint anew in favor of all his children. A declaration was sought that the latter appointment was invalid. It was held that the first appointment was a fraud on the power, in that it was made by him in order to obtain a personal benefit for himself, namely, freedom to re-marry.

**Constitutional law—Acquisition of land—Contract by minister—Necessity for Order in Council.**

*Mackay* (appellant) and *Attorney-General for British Columbia and others* (respondents), 1922, 1 A.C. 457 (Privy Council). By section 3 of the Public Works Act (R.S.B.C. 1911, c. 189, as amended in 1914) the Lieutenant-Governor in Council may acquire, in the name of His Majesty, lands for certain public purposes. By s. 37, the Minister, in this case the Minister of Public Works, has power to enter into any contract required for carrying out the provisions of the Act, but no such contract is to be binding on him unless signed by him and sealed with the seal of his Department. Certain lands in the City of Vancouver were alleged to have been sold by the appellant to the Sovereign at a price to be determined by arbitration. An award was made. The Government of the Province changed before the purchase price so determined was paid. The new ministers