the terms of the power, that is, wherever by comparing the act done by the agent with the words of the power the act is in itself warranted by the terms used, such act is binding on the constituent as to all persons dealing in good faith with the agent; such persons are not bound to inquire into facts. . . . The apparent authority is the real authority." Perhaps to the words "good faith" should be added "and for value," which, we take it, is also a necessary element.

PAYMENT TO SUSPENSE ACCOUNT WITH CREDITOR—EFFECT OF.

In *Commercial Bank* v. *Official Assignee of Wilson Estate*, (1893) A.C. 181, it became necessary to determine, in bankruptcy proceedings, what was the legal effect of a debtor having paid to his creditor a sum of money to be held by the latter to the credit of a suspense account, but with power to the creditor to appropriate the same whenever he thought fit to the discharge *pro tanto* of the debt due by the debtor. Their lordships of the Judicial Committee were unable to agree with the Supreme Court of New South Wales, and decided that until actual appropriation by the creditor the sum so deposited was not to a payment on account of the debt, and that the appellants were consequently entitled to prove fr . the full amount of their debt, irrespective of the sum to the credit of the suspense account, against the estate of a bankrupt surety who was not a party to the agreement.

PRACTICE—APPEAL—PLAINTIFF'S RIGHT TO APPEAL—APPEALABLE AMOUNT, HOW TO BE ASCERTAINED.

Mohideen v. *Pitchey*, (1893) A.C. 193, was an action to recover property valued at Rs. 4050, and also mesne profits which brought the total amount claimed up to Rs. 5850—the amount for which an appeal will lie is Rs. 5000. The court below refused leave to appeal on the ground that the value of the property in dispute was only Rs. 4050, but the Privy Council held that the mesne profits claimed must also be taken into account, and that the plaintiffs were therefore entitled to appeal.

August numbers continued from p. 558, *ante*:

PRACTICE—DISCOVERY—INSPECTION OF DOCUMENTS—WINDING UP—EXAMINATION OF WITNESSES UNDER THE COMPANIES ACT, 1862, S. 115 (R.S.C., C. 129, S. 81).

North Australian Territory Co. v. *Goldsborough*, (1893) 2 Ch. 381, was an action brought by the liquidators of the plaintiff