Romer, J. was of opinion that the plaintiffs could not join, and gave the plaintiffs liberty to elect which of them should continue the action and amend accordingly, the majority of the Court of Appeal (Lindley, M.R. and Rigby, L.J.), however, disagreed with this view and thought that the plaintiffs might join as there was a bona fide question as to the construction of the Act, and that the plaintiffs had an interest in common and could maintain the action on behalf of themselves and the other growers, from which Williams, L.J. dissented. He however agreed with the rest of the Court that the Attorney General also should be added as a defendant to represent the rest of the public interested in disputing the plaintiff's alleged preferential rights in the market.

INFANT—GUARDIAN OF PERSON—MOTHER MARRYING AGAIN—STEPFATHER OF DIFFERENT RELIGION FROM INFANT—GUARDIANSHIP OF INFANTS ACT, 1886, (49 & 50 VICT. C. 27) S. 2—(R.S.O. C. 168, S. 14)—DISCRETION OF COURT.

In re X (1899) 1 Ch. 526, considers the effect of the Guardianship of Infants Act, 1886, (49 & 50 Vict. c. 27). The facts of the case were as follows: The father of the infant, who was dead, had by his will appointed his own father and the infant's mother, during widowhood, joint guardians of the infant, and had directed that on the death of either, the survivor of them should be the sole guardian. The paternal grandfather of the infant had died, and his mother had remarried a gentleman who was a Roman Catholic, the mother and infant were Protestants. The infant, by his paternal grandmother as next friend, under these circumstances, applied that an uncle by marriage should be appointed his guardian jointly with his mother. Kekewich, J. granted the application, but on appeal by the mother from this order the Court of Appeal (Lindley, M.R. and Rigby and Williams, L.JJ.) were of opinion that the Act above referred to (see R.S.O. c. 168, s. 14) had made an important change in the law relating to the guardianship of infants, and that now the infant's interest alone is to be considered, and that the mere fact of the stepfather professing a different religion from that of the infant afforded no ground for interfering with, or associating any other person with the mother of the infant as his guardian, the order of Kekewich, J. was therefore reversed, and the application for the appointment of another guardian dismissed.