An action for assault and battery could be tried here, although the defendant pleaded he committed the alleged trespass in defence of his possession of a house situate in a foreign country, and issue was joined upon the title.

I presume also an action for damages for not completing a purchase of land situate in a foreign country upon a good title being shewn, on an averment, that a good title was shewn, could be tried here, although the Court would have to try whether a good title to the land by the law of that foreign country had been shewn.

This action for the ore being maintainable in some form in Quebec can be maintained here. That it is mainable there only as incidental to an action which tries the right to the realty, or after that right has been determined, is of no consequence, for we are in this action for the ore trying the question of title to the land as governing the right and proprietorship to the ore—not directly but as incidental, although essential, to the decision upon the personalty.

In *Scott* v. *Seymour*, 1 H. & C. 219, in Ex. Ch., an assault and imprisonment took place in a foreign country. The plaintiff sued in England for them. Pleas were pleaded.

Wightman, J., said in his judgment, p. 233:—"We are all of opinion that the second and third pleas in this case are bad, and afford no answer to the action. They admit the right to compensation in damages by such trespasses, but they state that by the Neapolitan law they cannot be recovered until certain penal proceedings have been commenced and determined there. This is an objection to procedure merely, which must be determined by the *lex fori*, and not by the *lex loci*."

Blackburn, J., said, p. 237:—"If, indeed, the plea had averred that by the law of Naples no damages are recoverable for an assault however violent, that would have raised a question upon which I have at present not made up my mind. I doubt whether it would be a good bar."

I am of opinion this action is well brought here, although it could not in the same circumstances be brought in the