

PROBATE—EXECUTOR OF EXECUTOR—EXECUTOR TO WHOM POWER TO PROVE RESERVED—CITATION BY ADVERTISEMENT.

*In the goods of Reid*, (1896) P. 129, a grant of probate had been made to one of two executors, power being reserved to make the like grant to the other executor. The acting executor died without having fully administered, but leaving a will and appointing executors. The other executor had not been heard of for fourteen years. The sole next of kin of the original testator, with the assent of the executors of the deceased executor, moved for a grant to herself of letters of administration de bonis non; but Barnes, J., refused the application, holding that upon the non-appearance of the absentee executor to a citation, the executors of the deceased executor would, without further grant, become executors of the original testator: and he gave leave to serve the citation on the absent executor by advertisement.

PRACTICE—COSTS—SET-OFF OF COSTS—SOLICITOR'S LIEN—ORD. XLV., RR. 14, 27, (21)—(ONT. RULE 1204).

*Hassell v. Stanley*, (1896) 1 Ch. 607, was an application to set off costs in a County Court proceeding against costs in the High Court. The English Ord. xlv., r. 14, provides that a set-off "for (sic) damages or costs between parties may be allowed, notwithstanding the solicitor's lien for costs in the particular cause or matter in which the set-off is sought." But of this no counterpart appears in the Ontario Rules, and on the contrary, Rule 1205 expressly declares that no set-off of damages and costs shall be allowed to the prejudice of the solicitor's lien for costs in the particular action against (sic) which the set-off is sought; but even under the English Rule it was held by Chitty, J., in this case, that although the proceedings were between the same parties, yet the Rule did not apply so as to enable costs in independent proceedings to be set off to the prejudice of the solicitor's lien: Ord. xlv., 27 (21), which is to the same effect as Ont. Rule 1204, was held to have no application.

WILL—LIFE INTEREST—PROVISION FOR DIRECTING.

*In re Sampson, Sampson v. Sampson*, (1896) 1 Ch. 630, was an application against the trustees of a will to compel them