

the costs should be taxed so as to allow the plaintiff the costs on his claim as though he had wholly succeeded in the suit, and the defendant the costs of the counterclaim as though he had wholly succeeded in the suit.

Day for the plaintiff.

W. H. McFadden for the defendant.

MANITOBA.

COURT OF QUEEN'S BENCH.

TAYLOR, C.J.]

[Sept. 26.

WOOD v. GILLET.

Security for costs—Plaintiff resident out of jurisdiction, but owner of real estate within.

Held, that the owner of unincumbered real estate within the Province of sufficient value is a good answer to an application for security for costs.

Caston v. Scott, 1 M.R. 117, not followed.

The Chief Justice was of the opinion that he should follow the decision of the English Court of Appeal, rather than that of our own Full Court, as the Judicial Committee of the Privy Council had, in *Trimble v. Hill*, 5 App. Cas. 342, laid it down as a rule that a colonial court ought to follow the decision of the Court of Appeal in England, because that is a judgment by which all the courts in England are bound until a contrary determination has been arrived at by the House of Lords.

The order for security which had been taken out on *præcipe* was discharged without costs.

IN MEMORIAM.

RUDOLF VON GNEIST.

The world owes much to Germany ; she reared
Men of Titanic mould when other lands
Bore dwarfs. Crowned in her might to-day she stands
A very queen of States, serene, revered.
And thou, great soul, who late thy bark hast steered
From Earth's low marge to the Elysian sands,
Art not the least in her heroic bands.
Not thine a sword to make thy country feared,
But thine to lend a sapient mind to frame
The fabric of her laws both strong and well—
A prouder meed no patriot could claim !
Thou wert not insular ; a love of right
World-wide constrained thee here. Now perfect sight
Reveal thee Justice on her citadel.

CHARLES MORSE.

Ottawa, Canada.