

Court when a British subject sues another in the British Court, yet these Rules cannot interfere with Treaty rights, and therefore cannot be construed to allow a counterclaim to be raised against a Japanese plaintiff.

HAVE the Courts of Ceylon jurisdiction to dissolve a marriage between British spouses resident in that island?

Le Mesurier v. Le Mesurier (T. 481). The Judicial Committee of the Privy Council decided that they possessed no such jurisdiction: P. D. & A. 157.

CAN a mortgagee who, having sold the mortgaged property, paid over the balance of the proceeds of sale to the wrong person, plead the Statute of Limitations as a defence to an action brought to recover such balance?

Thorne v. Heard (L. T. 211). Yes, since as to such balance he is a trustee within sect. 8 of the Trustee Act, 1888, and able to take advantage of that section. The facts were: A. B. and C. D. were first mortgagees of a property. E. F. was second mortgagee. In 1878, A. B. and C. D. sold under their power of sale, and employed S., a solicitor, to conduct the sale for them. The proceeds of the sale were more than sufficient to satisfy both mortgages. S. received the purchase-money, and, after satisfying the debt of A. B. and C. D., the first mortgagees, retained the surplus for his own use, falsely pretending to A. B. and C. D. that he had authority from E. F. to receive it for him. He continued to pay interest to E. F. up to 1891, and E. F. was not aware that his security had ceased to exist. In 1892 S. became bankrupt, and the fraud was discovered. E. F. then brought this action against A. B. and C. D. for an account and payment of what was due to him. The House of Lords held (1) that the cause of action accrued at the time of sale, as the mortgagees, A. B. and C. D., were not responsible for the fraudulent concealment of their solicitor, S., acting in his own interest and outside the scope of his authority; (2) that A. B. and C. D. were protected from liability by the Statute of Limitations, which by virtue of sect. 8 of

the Trustee Act, 1888, they were able to set up.

COURT OF APPEAL.

In re G. E. Brown, a lunatic—Court of Appeal. Lindsay, L.J., Lopes, L.J., Rigby, L.J., Aug. 5, 9. Lunatic resident out of the jurisdiction—Master in Lunacy of Victoria Appointed Guardian and Receiver—Transfer of stock—"Vested"—Lunacy Act, 1890 (53 Vict. c. 5), s. 134. Gertrude Emily Brown had been found a lunatic in the colony of Victoria, where she resided, and the master in lunacy of that colony had been appointed guardian of her person and receiver of her estate, and the care, protection and management of her property had been remitted to him. By the Colonial Lunacy Act the master was empowered to undertake the management of the estates of all lunatics, and to take possession of and administer their property; but the property was not vested in the master, nor did the Act provide for the appointment of a committee. This was a petition by the master, by his attorney in this country, for an order that English stocks belonging to the lunatic should be transferred and the dividends paid to him. Their Lordships made the order. They said that section 134 of the Lunacy Act, 1890, gave the Court a discretion, and that it applied to this case, although the stocks were not vested in the master in the strict legal sense.

THE Midland Railway Company v. Gribble—Court of Appeal. Lindley, L.J., Lopes, L.J., Rigby, L.J.—Aug. 6, 7. Right of Way—Railway Company—Severance—Accommodation—Works—Level crossing—Sale of part of land by owner—Abandonment of right of way—Lands Clauses Consolidation Act, 1845 (8 & 9 Vict. c. 20), ss. 68, 74. Appeal from the decision of Wright, J., reported 66 Law J. Rep. Chanc. 541. The plaintiffs took, under compulsory powers, land which formed part of an estate belonging to one Raynsford. In 1855 level crossings were made, as a result of an arbitration under the Lands Clauses Act, to maintain the means of communication between the portions of the estate severed by the railway.