

by counter claim, cannot himself deliver a counter claim, following *Street v. Gower*, 3 Q. B. D. 498.

PRACTICE—SERVICE OUT OF JURISDICTION—INJUNCTION ACT TO BE DONE WITHIN THE JURISDICTION ORD. XI., R. 1 (f).—ONT. RULE, 271 (f).

*Badische Anilin Soda Fabrik v. Johnson*, (1896) 1 Ch. 25, was an action for an injunction to restrain the selling of goods in England, which were manufactured in Switzerland, as being an infringement of the plaintiffs' patent. The plaintiffs having served the purchasers of the goods, who were resident in England, applied for leave to serve the manufacturers in Switzerland. North, J., refused the application, but the Court of Appeal (Lindley, Smith and Rigby, L.JJ.) were of opinion that the plaintiffs were entitled to the order.

PRACTICE—PARTICULARS—DISCOVERY—FRAUD ALLEGED—ORD. XIX. R. 6.

In *Waynes Merthyr Co. v. Radford*, (1896) 1 Ch. 29, is a decision of Chitty, J., on another point of practice. The plaintiffs were proprietors of a colliery in Wales from which smokeless steam coal was obtained, and the defendants were coal merchants in London. The plaintiffs claimed to have lost business by reason of fraudulent acts of the defendants, and they claimed an injunction restraining them from selling as coal supplied by the plaintiffs or from their collieries, coal which had not in fact been so supplied or got, the delivery up of certain documents, and £10,000 damages. After the statement of claim had been filed, and an interlocutory injunction had been granted, the plaintiffs applied for discovery, and the defendants at the same time applied for the delivery of particulars before making discovery. Chitty, J., in Chambers, granted the defendant's application and directed that unless such particulars were delivered in four days, further proceedings in the action should be stayed until the delivery of the particulars. The plaintiffs then moved in Court before Chitty, J., to rescind this order. The plaintiffs in their statement of claim specified two distinct cases of fraudulent dealing by the defendants, and then went on to allege that "on divers others occasions" the defendants had committed similar acts. The defendants contended that, except in cases