

case sued the defendant, her husband, for the recovery of certain chattels, which by marriage settlement had been assigned by the defendant to trustees "upon trust to allow the same to be used by" the plaintiff. The defendant took the objection that the trustees were necessary parties, but Shearman, J., overruled the objection. To say that a cestui que trust may sue in respect of the trust estate without joining the trustee appears to be a new departure.

PRACTICE—SET-OFF OF COSTS IN SEPARATE ACTIONS—SOLICITOR'S LIEN—(ONT. RULE 666).

*Reid v. Cupper* (1915) 2 K.B. 147. In this case the Court of Appeal (Buckley, Phillimore, and Pickford, L.JJ.), hold, affirming Scrutton, J., that notwithstanding the decision of *David v. Rees* (1904), 2 K.B. 325, which held that under Eng. Rule 989, a set-off of costs in separate actions could not be ordered to the prejudice of the solicitor's lien, yet that the Court had, under its equitable jurisdiction prior to 1853, a discretion to make such an order. It may be remarked that the Ont. Rule 666 expressly prohibits such a set-off, and in view of Rule 2 it would not seem that this case would be of any authority in Ontario.

PRACTICE—INTERPLEADER—RIGHT OF CLAIMANT TO RELY ON TITLE OTHER THAN THAT SET UP ON APPLICATION FOR ISSUE.

*Flude v. Goldberg* (1915) 2 K.B. 157. This was an interpleader issue to try the right to goods seized in execution under a judgment against one of two partners—and which were claimed by the other partner as his property. An issue had been ordered to try this question. At the trial of the issue it appeared by the evidence that the goods were the property of the partnership and the question was whether the claimant could rely on this title, having failed to establish his separate claim. The issue was tried in the County Court and judgment given in favour of the execution creditors, but on appeal, the Divisional Court (Ridley, and Lawrence, JJ.), held that this was wrong. Ridley, J., says: "In my opinion, the fact of his having claimed under a title which he was found not to have, did not estop him from relying on a title which he was found to have as against the execution creditors who had no title at all."

CERTIORARI—CROWN OFFICE RULE—TIME LIMIT LAID DOWN BY RULE—RULE NOT BINDING ON CROWN.

In *The King v. Amendt* (1915) 2 K.B. 276, the Court of Ap-