

sold, and on his death the proceeds of the sale devolved as realty, and the question was how the heir to the deceased nephew's moiety was to be ascertained, was the descent to be traced from the original purchaser, James Fictor, or from the mother of the deceased nephew? Kekewich, J., by a judicious extension of the doctrine of *Cooper v. France*, 19 L. J., Ch. 313, held that the descent should be traced from the nephew's mother, notwithstanding the words of the Inheritance Act, 1833, s. 2. (R.S.O. 1887, c. 108, s. 14.)

**RELIEF OVER** AGAINST CO-DEPENDANT.

*In re Holt* (1897) 2 Ch. 525. This was an action brought against a tenant for life and the executor of a deceased trustee, of a settlement alleging that the deceased trustees had committed a breach of trust by advancing the trust funds to the tenant for life and her husband. The executors in their statement of defence claimed relief over against the tenant for life, a married woman, alleging that the alleged breach had been committed with her consent, and asking to be indemnified out of her interest in the trust estate. No notice had been given to the tenant for life of this claim, but at the trial of the action leave was given to the executors, without going into evidence, to apply in chambers, with reference to enforcing their rights, if any, to indemnity against the tenant for life.

**COSTS** INTERLOCUTORY APPLICATIONS ADJOURNED TO TRIAL. COSTS RESERVED.

*British Natural P. P. Association v. Bywater* (1897) 1 Ch. 531. was a motion after the trial for certain interlocutory costs, which had been reserved. Byrne, J., who heard the motion, stated that the following directions had been made by the judges as to interlocutory costs, viz.: "Where interlocutory applications have been ordered to stand to the trial, and are not then mentioned to the judge, the costs of such applications are to be treated as costs in the action and taxed accordingly, and need not be mentioned in the judgment. When interlocutory applications have been disposed of, but the costs have been reserved, such costs are not to be mentioned, in the judgment or order, or allowed on taxation, without the special direction of the judge."