

COUNTER CLAIM—LIBEL—ACTION BY FOREIGN STATE—ORDS. XXI. R. 15: XIX. R. 27—(ONT. RULES 254, 298).

South African Republic v. La Compagnie Franco-Belge (1897) 2 Ch. 487, was an action brought by the plaintiffs (a foreign state) against the defendants for the appointment of a new trustee of a fund raised upon debentures issued by the defendants, and guaranteed by the plaintiffs, and which by agreement of the parties were to be vested in two trustees, one of whom had died. The defendants by way of counter claim set up an alleged libel by the plaintiffs, and claimed damages therefor. On motion of the plaintiffs, North, J. struck out the counter claim and the claim for damages, and his order was affirmed by the Court of Appeal (Lindley, Ludlow and Chitty, L.JJ.), on the ground that if the case had been one between private individuals within the jurisdiction a counter claim for libel in such a case would be struck out and the defendant left to bring a cross action, as such a claim could not conveniently or properly be tried in an action to appoint a new trustee, and that the fact that the plaintiffs were a foreign state and therefore not amenable to a cross action for libel, was an additional reason why such a claim should not be allowed to be linked on to the present action. And the order was held to be justified by Ord. xxi. r. 15 (Ont. Rule 254), or Ord. xix. r. 27 (Ont. Rule 298).

TRACING DESCENT—HEIR AT LAW INHERITANCE ACT, 1833 (3 & 4 W. 4. C. 106) SS 1, 2, (R.S.O. (1887) c. 108, s. 14)

In re Matson, James v. Dickenson (1897) 2 Ch. 509. The question to be determined was the manner in which real estate descends under the old law of descent in force in Ontario prior to the Devolution of Estates Act, 1886, under the following circumstances. The land in question was purchased in 1798 by one James Fictor. He died in 1804 intestate, and leaving one son and two daughters. The son entered as heir at law, and died intestate in 1862, leaving a sister, and a nephew and niece (the children of a deceased sister). The nephew became lunatic, and his moiety was