that the provisions of Ord. xxviii., rr. 1, 6 (Ont. Rules 309, 314), extended to such cases as well as those in which the defendants were within the jurisdiction.

LIMITATIONS, STATUTE OF—21 JACT., C. 16—4 & 5 ANNE, C. 16, S. 19; (R.S.O., C. 60, S. 5—INTERNATIONAL LAW—AMBASSADOR.

Musurus v. *Gadban*, (1894) 2 Q.B. 352; 9 R. Aug., 243, when before the Divisional Court, has been noted *ante* p. 342; it is only therefore necessary to say here that that decision is affirmed by the Court of Appeal (Smith and Davey, L.JJ.). It would seem from this case that when a defendant is entitled to immunity from suit a writ of summons cannot properly be issued against him, and kept alive by renewal, in the expectation that the immunity may cease.

HABEAS CORPUS—COSTS—JURISDICTION TO ORDER PAYMENT OF COSTS—SUPREME COURT OF JUDICATURE ACT, 1890 (53 & 54 VICT., C. 44), SS. 4, 5—(ONT. RULE 1170).

The Queen v. *Jones*, (1894) 2 Q.B. 382; 10 R. July, 308, may be referred to briefly, as showing that under the Supreme Court of Judicature Act, 1890 (53 & 54 Vict., c. 44), ss. 4, 5, the English court is held to have acquired a wider jurisdiction over costs than it formerly possessed under the Rules of 1883, Ord. lxv., on which Ont. Rule 1170 is based. That Rule was held not to give the court any jurisdiction over costs in cases where, before the Judicature Act, it had not any statutory or original jurisdiction to award costs; but the Act above referred to is held to have the effect of extending the jurisdiction over costs, and under it the court (Cave and Collins, JJ.) awarded costs against a defendant in *habeas corpus* proceedings. From this decision we therefore infer that, in a like case, there is no power in Ontario to award costs.

WILL—RESIDUARY GIFT TO CHARITY—TRUST TO ACCUMULATE SURPLUS INCOME—THELLUSSON ACT (39 & 40 GEO. III., C. 98)—(52 VICT., C. 10, S. 1 (O.)).

Harbin v. *Masterman*, (1894) 2 Ch. 184; 7 R. April, 65, is an interesting case upon the construction of a will in which the effect of the Thellusson Act (39 & 40 Geo. III., c. 98)—(see 52 Vict., c. 10, s. 1 (O.)), came in question. The testator by his will gave certain annuities, payable out of the annual income of his estate, and he directed the surplus income to be accumulated, and at the death of the last surviving annuitant he directed that the residue