

does not have the effect of reviving local venues created by statutes passed prior to the Judicature Act, 1875. This decision gives precisely the same effect to the English Rule that has been given by the Court of Appeal to the Ontario Rule in the recent case of *Howard v. Herrington*, 20 Ont. App. 175. In that case, it may be remembered, the Court of Appeal held that the re-enactment in the Revised Statutes (1887) of previous statutory provisions prescribing local venues had the effect of overriding the provisions of Ont. Rule 653.

PRACTICE—FOREIGN DEFENDANT—FOREIGNER CARRYING ON BUSINESS WITHIN THE JURISDICTION IN A NAME OTHER THAN HIS OWN—SERVICE OF WRIT—ORD. XLVIII. (A), RR. 3, 11 (ONT. RULES 266, 318).

*St. Gobain v. Hoyer mann*, (1893) 2 Q.B. 96, was an action brought against a foreigner who carried on business in London under a name other than his own. He was sued in the name of the firm under which he carried on business in London, and the writ was served on the manager of the London business. The Court of Appeal (Lord Esher, M.R., and Smith, L.J.) held that Ord. xlviii. (a), rr. 3, 11, did not apply to foreigners resident out of the jurisdiction, and therefore that the defendant must be sued in his own name, and must be personally served. This case would seem to be applicable to the construction of Ont. Rules 266, 318, although they differ somewhat from the English Rules above referred to.

PROBATE—WILL AND CODICIL—REMOVAL OF PAPER PASTED OVER CODICIL—REVOCATION.

*In the goods of Gilbert*, (1893) P. 183, the President made an order for the removal of a piece of paper pasted over the codicil of a will presented for probate, in order to ascertain whether what had been written by the testatrix amounted to a revocation of the codicil.

PROBATE—TWO WILLS—NO EXECUTORS NAMED IN THE SECOND WILL—SECURITY.

*In the goods of Allen*, (1893) P. 184, a testator had in January, 1884, devised and bequeathed all his real and personal estate to his wife, whom he named as sole executrix. This will he mislaid, and in November of the same year he made another will which was identical with the missing will, except that he omitted to name any executor. Both wills were presented for probate