

band's estate, and claimed from the defendants the delivery of the moneys and securities in their hands belonging to the estate of the husband, and to the lunatic in her own right. The lunatic was joined as a plaintiff by Didisheim as her next friend. An order authorizing the bringing of the suit had been made by the Belgian Court, but no such order had been made by the English Court of Lunacy. The defendants contended that an action by the lunatic by a next friend for the delivery up of property would not lie because neither the lunatic nor next friend could give a valid receipt. As regards the property of the husband they claimed that although Didisheim might, as administrator de bonis non, be entitled to recover property outstanding belonging to his estate, yet he could not recover property which had been got in and appropriated by the lunatic administratrix; and as to the lunatic's own estate they contended that the only Court which could give Didisheim as administrateur provisoire, the right to recover English property was the English Court of Lunacy. North, J., dismissed the action, but the Court of Appeal (Lindley, M.R., Rigby and Williams, L.JJ.) reversed his decision. That Court was of opinion that an action by a lunatic not so found, by his next friend, was maintainable to recover the property of the lunatic, and that there was no ground for the contention that the previous sanction of the Court of Lunacy to the bringing of such a suit was necessary, and that on principles of private international law the English Court was bound to give effect to the order of the Belgian Court. So far as the lunatic's own property was concerned the action was held to be properly brought, and the plaintiff entitled to recover: as regards the claim of Didisheim to recover as administrator de bonis, the Court of Appeal held that although formerly such a claim could not have been joined with the claim of the lunatic to recover her own property, yet under the Judicature Act the two claims might be joined, the defendants having made no objection thereto, and that Didisheim was entitled to recover the property of the deceased husband. The Court of Appeal, however, held that the defendants were, under the circumstances, entitled to put the plaintiffs to proof of their title, and were, therefore, entitled to their costs against the plaintiffs. The report sets out in extenso the formal judgment of the Court.