

and Buckley, L.J.J.), thought that he was. But we may observe in the first place the case was not tried with a jury, but by a referee, and Rule 976 applies to cases tried with a jury. Rule 977, however, of which there is no Ontario counterpart, expressly provides "where issues in fact and law are raised upon a claim or counterclaim, the costs of the several issues respectively, both in law and fact, shall, unless otherwise ordered, follow the event." The Court of Appeal held, that under Rule 976 "event" means the result of an issue and not the event of the action, and the same ruling would apply to Rule 977.

SECURITY FOR COSTS—NOMINAL PLAINTIFF—BANKRUPT—ACTION
BY BANKRUPT FOR PERSONAL EARNINGS.

Affleck v. Hammond (1912) 3 K.B. 162. This was an action by an undischarged bankrupt to recover the amount of a note given for personal services rendered by the bankrupt in procuring a loan for the defendants. The defendants contended that the plaintiff was a mere nominal plaintiff, and that his trustee in bankruptcy was entitled to the money sued for. The trustee had, in fact, withdrawn his claim. They applied for security for costs. Scrutton, J., refused the application, and the Court of Appeal held that he was right, because the money claimed was "personal earnings" of the bankrupt and as such exempt from the claim of the trustee, and therefore the plaintiff was not a mere nominal plaintiff.

LANDLORD AND TENANT—LEASE—ASSIGNMENT OF REVERSION—
LEASE BY ASSIGNEE—ATTORNMENT—4-5 ANNE C. 3 (AL. C.
16), s. 9—(1 GEO. 5, c. 37, s. 61, ONT.).

Horn v. Beard (1912) 3 K.B. 181. In this case the head note is defective, the editor having transposed plaintiff and defendant in the second paragraph. The facts were that owners of land made a lease to the defendant for three years, they then assigned the reversion to the Penny Bank who went into possession and made a lease of the premises to the plaintiff for 21 years to commence in presenti. The defendant never attorned to the plaintiff, but a quarter's rent being due by the defendant, the plaintiff brought the action to recover it. The only question argued was whether an attornment was necessary before action, and the Divisional Court (Lush, and Ridley, J.J.), came to the conclusion that, under 4-5 Anne, c. 3 (al. c. 16), s. 9 (see 1 Geo. V. c. 27, s. 61, Ont.), no attornment was necessary,