

the authority of a politically organized and recognized society and that the danger of the vessel was not that of passing from one form of government to the control of another, but was analagous to a rescue from pirates or mutineers, and that there was nothing in the comity of nations which compelled the Court to treat the rescue as a rescue from lawful authority, and the claim for salvage was therefore allowed.

Practice—Parties to action—Joinder of defendants—Alternative relief against two defendants—Different causes of action—Common question of fact—Rule 126—(Ont. Rule 67).

Payne v. British Time Recorder Co. (1921), 2 K.B. 1. The plaintiff in this case sold to one of the defendants goods which the plaintiff had bought from the other defendant. The plaintiff vendee claimed that the goods supplied were not up to sample, and the plaintiff claimed that if they were not up to sample then their vendors had broken their contract with them and they claimed relief alternatively against one or the other of the defendants. Applications by the defendants to have their names struck out were refused by the Master and his decision was affirmed by Lawrence, J., and the Court of Appeal (Lord Sterndale, M.R., and Warrington and Scrutton, L.JJ.) held that the Court had a discretion to allow the joinder under Rule 126 (Ont. R. 67) to allow the joinder and that as there was common question of fact to be tried, namely, whether the cards were in accordance with the specimen supplied, that discretion had been rightly exercised.

Practice—Claim and counter claim successful—Costs—Taxation—Apportionment of costs.

Christie v. Platt (1921), 2 K.B. 17. In this case both claim and counter claim were allowed with costs and the question in dispute was as to how in such circumstances the costs should be taxed. In taxing the plaintiff's bill the Master allowed the costs of a brief at the trial, fees to counsel and costs and expenses of witnesses. In taxing the defendant's bill he allowed nothing in respect of these