PRACTICE—SERVICE OUT OF JURISDICTION—DEFENDANT OUT OF JURISDICTION JOINED AS A NECESSARY PARTY TO AN ACTION AGAINST A DEFENDANT WITHIN THE JURISDICTION—CONCURRENT WRIT—ORDS. VI., R. 1; XI., RR. 1 (G), 4—(ONT. RULES 236, 271 (G), S-S. 3).

Collins v. *North British and Mercantile Insurance Co.*, (1894) 3 Ch. 228 8 R. Sept. 128, was an action brought by the trustee in bankruptcy of one G. F. Wells against the defendants, the North British and Mercantile Insurance Co., as mortgagees of the interest of the bankrupt in his father's estate, which was vested in a trustee, and situated in Canada, for redemption; and also against the trustee for an account of the trust estate, and for an order on him to pay off the mortgage of his co-defendants out of what should be found due to Wells on the taking of the account, and for payment of the balance to the plaintiff. An application had been made to Kekewich, J., for leave to issue a concurrent writ for service in Canada on the trustee before the other defendants had been served. The application appears to have been inadvertently granted, and a concurrent writ was issued, but the copy served on the trustee was not marked "concurrent." The trustee applied to set aside the writ and the copy and service and the fiat authorizing its issue for irregularity, because the order for the concurrent writ was made before the other defendants had been served with the original writ, and because the copy writ served was not marked "concurrent." Kekewich, J., held both objections well taken; and he set aside the proceedings against the trustee, both on those grounds and on the main ground taken, viz., that the trustee was not a necessary party to the action against the insurance company, and that the leave to issue the writ had been improvidently granted. With regard to the necessity of first serving the defendants within the jurisdiction before applying for leave to serve a defendant out of the jurisdiction, on the ground that he is a necessary party, he thought *Yorkshire Tannery* v. *Eglinton Co.*, 54 L.J. Ch. 81, was to be followed, notwithstanding the doubt thrown upon it by Coleridge, C.J., in *Tassell* v. *Hallen*, (1892) 1 Q.B. 321.

ADMINISTRATION—MARSHALLING—ORDER OF ADMINISTRATION—EXONERATION OF LAND SPECIFICALLY DEVISED—GENERAL DIRECTION FOR PAYMENT OF DEBTS—STOCK SPECIFICALLY BEQUEATHED CHARGED BY TESTATOR IN HIS LIFETIME.

In re Butler, Le Bas v. *Herbert*, (1894) 3 Ch. 250; 8 R. Sept. 164, a testatrix had specifically bequeathed a sum of stock upon which she had made a charge in her lifetime. The general per-