

footing, and are equally effective. No longer limitation is vouchsafed to the one than to the other.

By the Indian Contract Act the application in India of the historical Statute of Frauds is abolished. Furthermore, as regards Bailments, degrees of care are not defined or recognized, the one rule of ordinary prudence being applied.

Further, the English doctrine to the effect that acceptance of a security for a lesser sum cannot be pleaded in satisfaction of a similar security for a larger sum, has been abrogated; consequently a resident of this country may "pay part in lieu of all," without being harrassed by the thought that he may afterwards be sued for the remainder. Those familiar with the doctrine laid down in the leading English case, *Cumber v. Wane*, will appreciate this alteration.

Bengal is said to resemble continental countries "in the absence of any laws of primogeniture and entail, in the clear and indefeasible titles to land, and in the extreme cheapness and facility of its mortgage and sale": *Annals of Rural Bengal*, by Sir W. W. Hunter. An exception may, however, be mentioned, namely, that in the families of some of the ruling chiefs, primogeniture does prevail, and in some parts of Southern India females succeed in preference to males.

Many of your readers have doubtless heard that in India change of religion now-a-days works no forfeiture of rights, but they may not be aware that according to Act XXI., of 1860, the latter advantage applies to Hindoo converts to Christianity, but not to the Mahommedan faith.

To turn now to the effect, amongst all classes domiciled in India, other than Hindoo, Mahommedans and Buddhists, of marriage on the property of husband and wife. The Indian Succession Act provides that "no person is by marriage to acquire any interest in the property of the person whom he or she marries, or become incapable of doing any act in respect to his or her own property which he or she could have done if unmarried": S. 4, Act x., of 1865. This drastic law, which came into force on 1st January, 1866, naturally made important changes in the common law rights, liabilities and disabilities arising out of the relation of husband and wife, in the case of persons to whom English law had theretofore been applied. As regards property, it abolished by implication the doctrine of unity of persons between husband and wife.

Another apparent variance from English law is, that anything a child may have received from an intestate in his lifetime by way of advancement, is not deducted from its share or brought into "hotchpot."

Our Succession Act also wisely excludes the home rule which enables an executor to pay any creditor, even himself, preferentially to another, by enacting that after the liquidation of funeral and administration charges, and three months' wages due to domestic servants, laborers, or artizans, all debts, however secured, shall be paid rateably. *Ibid*, s. 282.

By another Act no executor or administrator, save an administrator-general, is justified in charging any commission for administering any East India estate.

Even where a legacy is bequeathed to a person named as an executor, he cannot obtain it unless he proves the will or otherwise manifests an intention to act as executor.