

bag and it was found to have been stolen. At the trial, judgment went for the plaintiff, but on appeal the Court of Session held, that as there was no proof of any deposit expressly for safe keeping, the Innkeepers' Liability Act, 1863 (26-27 Vict. c. 41) s. 1 (R.S.O. c. 187, s. 3) applied, and the innkeeper's liability was limited to the amount therein mentioned, to which the judgment was reduced, and with this conclusion the House of Lords (Lord Loreburn, L.C., and Lords Ashbourne and Robertson) agreed, but Lord Collins dissented. The majority being of opinion that in order to constitute an express deposit under the statute, it must be proved that something was said or done by the depositor to apprise the innkeeper of the fact that the deposit was being made with him for safe custody.

ADMINISTRATION BOND—DURATION OF SURETIES' LIABILITY—
COMPLETION OF ADMINISTRATION—LOSS OCCASIONED BY BENEFICIARIES RIGHTFULLY IN POSSESSION.

Blake v. Bayne (1908) A.C. 371 was an appeal from the High Court of Australia. The action was brought against the sureties named in a bond given for the due administration of a deceased intestate's estate. The appeal turned principally on the evidence, and the Judicial Committee of the Privy Council (Lord Loreburn, L.C., and Lords Macnaghten, Atkinson and Collins, and Sir A. Wilson) differed from the Court below as to its effect, and came to the conclusion that there had been no misconduct by the administratrix, and no loss of assets in the course of administration, that a deed of indemnity executed by the plaintiffs, and on which the defendants relied, had been executed with full knowledge of the facts, and was binding on the plaintiffs, and an effectual discharge of the alleged liability of the defendants, and, thirdly, that after the payment of the testator's debts, the plaintiffs and the administratrix, as next of kin of the deceased, were entitled to the residue in undivided shares, and so held and enjoyed it, and that the loss of the estate had taken place while it was rightfully in their possession, and, therefore, although the administratrix continued to act as the manager of the estate with the concurrence of the plaintiffs, yet the losses which had thereby resulted could not be attributed to her in her character of administratrix. The judgment of the Court below was, therefore, reversed.