

occupied a fiduciary position, and could not properly employ himself, and therefore was not entitled to any remuneration for his personal services. On appeal, however, the Court of Appeal (Lindley, Lopes and Rigby, L.JJ.) held that a receiver performing work which was not contemplated at the time of his appointment was entitled to be remunerated therefor.

ESTOPPEL—SETTLEMENT OF LAND BY GRANTOR HAVING NO TITLE—ENTRY OF TENANT FOR LIFE UNDER INVALID SETTLEMENT—REMAINDERMAN—STATUTE OF LIMITATIONS—(3 & 4 W. 4., c. 27 s. 34—(R.S.O., c. 111 s. 5 (12) ).

In *Dalton v. Fitzgerald* (1897), 2 Ch. 86, the Court of Appeal (Lindley, Lopes and Rigby, L.JJ.) have affirmed the judgment of Stirling, J. (1897), 1 Ch. 440, noted ante p. 488, affirming the principle that where a person enters under a deed made by a grantor having no title, he cannot under the Statute of Limitations acquire a title by possession as against other persons entitled in remainder under the same deed.

FISHERY — LICENSE, OR GRANT OF INCORPOREAL HEREDITAMENT — PROFIT A PRENDRE—DISTURBANCE OF RIGHTS OF GRANTEE.

*Fitzgerald v. Firbank*, (1897) 2 Ch. 96, was an action by the grantees of "the exclusive right of fishing" in a defined part of a river, for an injunction to restrain the defendant from injuring the fishing by emptying water loaded with mud into the stream, whereby the water became so clouded that the fish were unable to see the bait, and the spawning beds were injured. It was contended by the defendant that the plaintiffs had only a license, and that therefore there was no trespass on anything belonging to them. But the Court of Appeal (Lindley, Lopes and Rigby, L.JJ.) agreed with Kekewich, J., that the grant was not a mere license to fish, but the grant of a right to fish and carry away the fish caught, which was a profit a prendre, and was an incorporeal hereditament entitling the plaintiffs to maintain the action. The judgment in favour of the plaintiffs was therefore affirmed.