

vendor to inform the purchaser of the existence of unusual and onerous covenants, and Wright, J., held that the vendor had not discharged the onus that was on him of making them known to the purchaser, and the Court of Appeal (Collins, M.R., and Mathew and Cozens-Hardy, L.JJ.) affirmed his decision.

LETTERS OF ADMINISTRATION — "SPECIAL CIRCUMSTANCES" — GRANT TO OTHER THAN NEXT OF KIN — ABSENTEE — PROBATE ACT 1857 (20 & 21 VICT. c. 77) s. 73 — (R.S.O. c. 59, s. 59).

Re Chapman (1903) P. 192, was an application for letters of administration by a person other than the next of kin under s. 73 of the Probate Act (see R.S.O. c. 59, s. 59), without citing the person who would, if alive, be primarily the person entitled to the grant. This person had left his family in 1883, and had not since been heard of; before that he had been in the habit of going away from his home for uncertain periods and returning when his funds were exhausted. The applicant and the wife of the absentee both swore that they believed him to be dead. Jeune, P.P.D., granted the application, following *Re Callicot* (1899) P. 189, and *Re Reed* (1874) 29 L.T. 932.

CHARTER PARTY — "NEGLECT OF SERVANTS"

The Torryban (1903) P. 194. A charter party exempted the ship owner from liability for loss or damage arising from the usual perils "and all other accidents even though caused by negligence, fault, or error of judgment on the part of the pilot, captain, sailors, or other servants of the owner, in the management or navigation of the vessel, or otherwise." In the course of discharging the cargo, which was of sugar, the stevedore's men employed by the ship recklessly used hooks which tore the bags in which the sugar was contained, and carelessly allowed the bags to be cut, whereby a quantity of the sugar dropped out and was lost. The Court of Appeal (Collins, M.R., and Mathew, and Cozens-Hardy, L.JJ.,) affirmed the judgment of Phillimore, J. (1903) P. 35, holding that the negligence in question was within the exemption.

ACT OF PARLIAMENT — CONSTRUCTION — SUBSEQUENT ACT, EFFECT OF, ON PRIOR STATUTE.

In re Bolton Estates, Russell v. Meyrick (1903) 2 Ch. 461. By 27 Hen. 8, certain estates were limited in tail subject to a proviso that no tenant in tail should do anything to the disinheritance of his heirs, "but only for the jointure of a wife." At this time, apart from custom, there was no power to devise by will. In 1901 a