

ing all trustees and executors. The charges in question were therefore disallowed.

ADMINISTRATION—CONTINGENT LIABILITY OF ESTATE—RESERVATION OF ASSETS TO MEET CONTINGENT LIABILITIES—PARTLY PAID SHARES—SUMMARY APPLICATION.

*In re King, Mellor v. South Australian Land Mortgage Co.* (1907) 1 Ch. 72 was a summary application to the Court asking for a declaration of the Court that the personal representative of a deceased person was entitled to distribute his estate among the beneficiaries without reserving any sum to meet a possible contingent liability in respect of certain partly paid shares in a company belonging to the estate. The company was notified, but Neville, J., held that it was not competent for the applicant to make them parties to such an application, but he held that the applicant might obtain the necessary protection in administration proceedings and he gave the necessary leave to amend and apply again. At the same time he expresses the opinion that the Court would probably not direct any reservation of assets to meet such a liability where there was no personal liability on the part of the executors of the deceased in respect of the contingent claim.

WAY—EASEMENT—DEVISE—APPURTENANCES—COMMON OWNER—SEVERANCE BY DEVISE—USER OF EASEMENT—LOSS OF RIGHT BY CHANGE IN MODE OF USER OF EASEMENT—INJUNCTION.

*Milner's Safe Co. v. Great Northern and City Ry.* (1907) 1 Ch. 208 was an action by owners of an easement to restrain its use by co-owners in a way not contemplated. The facts were briefly as follows. A testator in 1832 devised several freehold houses "with their appurtenances." They were adjoining houses and had been built by the testator each of them being partly a warehouse and partly a dwelling. They all communicated with a passage, which was a cul de sac, and which ran along the backs of the houses into a side street, and this passage had always been used by the occupants of the houses. The testator did not devise the passage or make any express grant of it to his devisees or any person. The plaintiffs had become owner of one of the houses, and the defendants had become owners of some of the other houses higher up the passage than the plaintiffs' house. These houses the defendants had converted