held that the plaintiff was barred by the statute. On appeal, however, his decision was reversed by Darling and Channell, JJ, on the ground that the mortgage, being an alienation of the mortgagor's reversion, had the effect of putting an end to the first tenancy at will, and that it was then competent for the mortgagor to create a new tenancy at will, and that the evidence was sufficient to warrant the finding that a new tenancy at will had in fact been created between the plaintiff and defendants, and that, consequently, the plaintiff was not barred by the Statute 3 & 4 W. 4, c. 27, ss. 2, 7. (See R.S.O. c. 133, ss. 4, 5 (7)). This seems to be a rather technical conclusion, and it is possible that a Court of Appeal might hold that in order to put an end to a tenancy at will by an alienation of the lessor's estate, the alienation must be an absolute alienation, and not a conditional one, such as a mortgage. There can be little doubt that the alleged creation of a new tenancy at will in the present case is a mere fiction, and one which never entered the heads of either of the litigants. The fact being that the defendants continued their occupation after they became aware of the mortgage under the original tenancy. The wisdom or propriety of making imaginary contracts between parties in order to get over the plain effect of a statute, may well be doubted.

ADMINISTRATION—LIMITED—GRANT AD COLLIGENDUM—NEXT OF KIN ABROAD.

In the goods of Bolton (1899) P. 186, an application was made for the grant of limited administration for the purpose of realizing a part of an intestate's estate under the following circumstances: The deceased was a small shopkeeper supposed to have died unmarried, and his next of kin, who resided in South America, had been communicated with, but had not answered. It was shewn that, if the business of the deceased were sold at once, it would realize £100, but if the shop were closed it would become valueless. The applicant, who was a creditor, applied for a grant ad colligendum, and Barnes, J., granted the application.

ADMINISTRATION—DE FACTO WILL—CITATION AND NON-APPEARANCE OF ALLEGED LEGATEES.

In the goods of Quick, Quick, Quick (1899) P. 187, was an action brought to set aside an alleged will. The legatees named therein were cited and failed to appear. Barnes, J., thereupon ordered