accrued" within which actions are to be brought to recover personal estate of any person dying intestate, possessed by the legal personal representative of such intestate, is not confined to cases in which the intestate died after the Act came into operation, but extends to cases where the intestate was dead prior to the Act; and for this reason the claim of next of kin for general administration of the estate of an intestate who died in 1848 was barred at the end of twenty years from that date; and leave to revive an administration suit relating to the same estate, in which no proceedings had been taken since he decease in 1855, was refused. But with respect to assets of the intestate not received by the administrator until 1870, more than twenty years after the intestate's death, but within twenty years before the issue of the writ, it was held that the claim of the next of kin to administration, limited to such assets, was not barred, it being held that there was no "present right to receive" on the part of the next of kin until the assets had been actually received by the administrator. It was, moreover, held that part payment by the administrator out of a particular asset which has so fallen in, will not revive the right to sue for a general administration which was, at the time of the payment, barred by the statute.

DOMICILE OF ORIGIN—UNSETTLED RESIDENCE.

In re Patience, Patience v. *Main*, 29 Chy. D. 976, is another decision of Chitty, J. The question in controversy was as to the domicile of an intestate who was born in Scotland in 1792 of Scotch parents. In 1810 he obtained a commission in the army and immediately proceeded with his regiment on foreign service, and served abroad till 1860 when he retired from the army. From that time until his death he resided in lodgings, hotels and boarding-houses in various places in England, dying in 1882 intestate, and a bachelor, in a private hotel in London, having no real estate in England and no property whatever in Scotland, and for the last twenty-one years of his life having never left the territorial limits of England. Under these circumstances it was held that the intestate's domicile of origin had not been lost, and that his domicile was consequently Scotch at the time of his death. Chitty, J., says, at p. 984:

"It appears that the intestate in this case was moving about England, and I think this shifting from place to place shows a fluctuating and unsettled mind; and that the fact of residence, although for twenty-two years, standing alone without any other circumstances to show the intention, is insufficient to warrant me in coming to the conclusion that he had intended to make England his home. . . . If there was an intention shown by any other acts on his part, such as the purchase of land, if he had a family bringing the family here, buying a grave, or any other circumstance, even a slight circumstance, then I should have been warranted in coming to a different conclusion."

EVIDENCE—BAPTISMAL REGISTER—ENTRY OF DATE OF BIRTH—DECLARATION OF DECEASED FATHER.

The next case, *In re Turner, Glenister* v. *Harding*, 29 Chy. D. 985, is also a decision of Chitty, J., and turns on a question of evidence—and discloses a somewhat curious state of facts. The action was brought for the administration of the estate of Lucretia Turner by two of her alleged next of kin, and it being suggested that the testatrix was illegitimate, and that the gift of the residue of her estate in trust for her next of kin was therefore void, an inquiry was directed as to her next of kin. The deceased testatrix and her sister Jane, it appears, were the daughters of Wm. Ireson and a Mrs. Fry, who were married on the 29th April, 1824—it also appeared that Jane and Lucretia were both baptized on the 9th March, 1825. The baptismal certificate of Jane contained this entry, "when born, November 19, 1815" and that of Lucretia, "when born, July 3rd, 1818." It was also proved that in 1839 the father entered into negotiations to purchase a farm in the name of his daughters, and among the papers of the solicitors who conducted the purchase was found a draft letter from a deceased member of the firm addressed to Wm. Ireson, dated 29th March, 1839, requesting to be informed "whether your daughters are now of age," and, among these papers was also found a letter purporting to come from Wm. Ireson, but which was proved to be in the handwriting of his daughter Jane, dated 2nd April, 1839, containing the following passage: "I have to inform you that my daughter Jane is twenty-four years of age on the 19th November next, and Lucretia is twenty-one years of age on 3rd July next," and it was proved that Jane was in the habit of writing letters for her father.