

Royal Navy as an engineer, and, while attached to a ship, desired to resign in order to accept an appointment in China. The lords of the admiralty refused to consent to his resignation, and the plaintiff then obtained leave of absence for three months and left England for China, not intending to return. On his arrival at Singapore he was arrested and sent back to England as a deserter. He then obtained a *habeas corpus* and was discharged on the ground that he was not down on the books of one of Her Majesty's ships at the time of his quitting England, within the meaning of the Naval Discipline Act, 1866; and he then brought the present action against those responsible for his arrest. At the trial before Denman, J., the plaintiff was nonsuited, and on appeal the court (Lord Esher, M.R., and Fry and Lopes, L.JJ.) affirmed the nonsuit, holding that an officer of the navy cannot resign his commission without the permission of Her Majesty, and in doing so stated that they considered that the decision on the *habeas corpus* proceedings was erroneous.

LEGITIMACY, DECLARATION OF—CONTESTANT CONDEMNED IN COSTS OF PETITIONER—ATTORNEY-GENERAL, COSTS OF—LEGITIMACY DECLARATION ACT, 1858 (21 & 22 VICT., c. 93), SS. 4, 5, 11—(R.S.O., c. 113, s. 33).

*Bain v. Attorney-General* (1892), P. 217, was an application for a declaration of legitimacy (see R.S.O., c. 113, s. 33). The petitioner's father was cited and obtained leave to intervene, and gave evidence denying that the petitioner was his daughter. The court, however, decided on the evidence that the petitioner was his legitimate daughter, as claimed by her, and the only question was whether the father could be ordered to pay the petitioner's costs and also those of the Attorney-General. The president, not without doubt, held that he had jurisdiction to order the father to pay the costs of the petitioner, but he refused to make any order for costs in favor of the Crown.

PROBATE—WILL—EXECUTOR ACCORDING TO THE TENOR.

*In the goods of Wilkinson* (1892), P. 227, a testatrix having appointed two "trustees" of her will, probate was granted to them as being executors according to the tenor.

PROBATE—WILL—CODICIL—MISTAKE IN DATE.

*In the goods of Gordon* (1892), P. 228, a testatrix made a will in 1887, and afterwards, in 1889, she made another will by which she revoked all former wills. In 1891 she executed a codicil, but by mistake of the solicitor it was stated to be a codicil to her will of 1887. All parties consenting, probate was granted of the will of 1889 and codicil of 1891, omitting the reference to the will of 1887.

PROBATE—ADMINISTRATION—JOINT GRANT TO NEXT OF KIN AND ANOTHER PERSON.

*In the goods of Walsh* (1892), P. 230, an intestate died leaving a brother and nine nephews and nieces, the only persons entitled in distribution. Three of the nephews and nieces were in Australia; the other six consenting, the court granted administration to the brother and one of the nephews.