

and it thus became important whether or not the executors could be said to hold in trust for the heir-at-law by virtue of an "express trust." Upon the authority of a decision of Lord Plunket in an Irish case of *Salter v. Cavanagh*, 1 D. & Wal. 668, Huddleston, B., and Stephen, J., decided that though no trust was declared by the will of the property in question, the executors nevertheless held it under the will under "an express trust" for the heir-at-law, and therefore that the Statute of Limitations afforded no defence. The case was distinguished from the recent case of *Churcher v. Martin*, 42, Chy.D. 312 (noted *ante* vol. 25, p. 506) on the ground that in the latter case the deed to the trustees was null and void under the Mortmain Act.

LANDLORD AND TENANT—REMOVAL OF GOODS TO PREVENT DISTRESS—11 GEO. 2, C. 19, S. S. 1, 3.

The only point for which it seems necessary to notice *Tomlinson v. The Consolidated Credit & M. Co.*, 24 Q.B.D., 135, is the decision that statute 11 Geo. 2, c. 19, which gives landlords an action to recover double the value of goods fraudulently carried off the demised premises to avoid a distress, applies to the goods of the tenant only, and not to those of a stranger. In this case the tenant had given a bill of sale of his goods to the defendants who, with the tenant's consent, removed them to avoid a distress, and it was held by the Court of Appeal (Lord Esher, M.R., and Lindley and Lopes, L.JJ.) affirming Field and Manisty, JJ., that the defendants were not liable under the statute.

ADMINISTRATION—PAUPER LUNATIC.

In the goods of *Eccles*, 15 P.D.1, the husband of the deceased intestate was a pauper lunatic confined in a county asylum. Notice having been given to her next of kin, and they not having appeared, the Court made a grant of administration to the guardians under whose care the husband was confined, for his benefit, and limited to such time as he should remain insane.

WILL—SIGNATURE OF LEGATEE WRITTEN UNDER ATTESTATION CLAUSE—OMISSION OF NAME IN PROBATE.

In the goods of *Smith*, 15 P.D. 2, presents some features of similarity to the recent case of *Re Sturgis, Webling v. Van Every*, 17 Ont. 342. After a will had been executed and duly attested by two attesting witnesses, the wife of the testator, who was also an executrix and took a life interest in the whole estate, signed her name to the will at the testator's request, not with the object of attesting it, but in order to verify its contents. Under these circumstances the Court granted probate of the will omitting the signature of the wife, after notice to infants having a reversionary interest under the will and no cause being shown to the contrary.

ADMINISTRATIO—DE BONNIS NON—ADMINISTRATOR ABSCONDED—REVOCATION OF GRANT.

In the goods of *Covell*, 15 P.D. 8, the administrator having absconded after partly administering the estate, and though several years had elapsed, no trace of him having been discovered, the Court revoked the grant, and made a fresh grant *de bonis non* to a residuary legatee.