

REVIEW OF CURRENT ENGLISH CASES.

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PARTITION—JURISDICTION—NO JOINT TENANCY, OR TENANCY IN COMMON—OVERRIDING TERM.

Dodd v. Cattell (1914) 2 Ch. 1. This was an action for partition. The circumstances were somewhat peculiar. A testator, by his will, settled his real estate upon certain trusts under which, in the events which had happened, the plaintiff was entitled, subject to a term of 1,000 years, to the entire estate in fee simple, subject, however, as to one moiety thereof to have her estate therein divested by the attaining of a vested interest therein by other persons. The term was limited to trustees on trusts for management and application of the rents, under which, in the events which had happened, one moiety thereof was payable to the plaintiff together with a part of the other moiety. Warrington, J., before whom the action was tried, held that the plaintiff was not entitled to partition, because (1) there was no joint tenancy, or tenancy in common, and (2) the trusts for management required that the entirety of the property should remain in the trustees.

LETTERS OF ADMINISTRATION—SALE OF REALTY BY ADMINISTRATOR
—SUBSEQUENT DISCOVERY OF WILL APPOINTING EXECUTORS—
REVOCATION OF LETTERS OF ADMINISTRATION—GRANT OF
PROBATE TO EXECUTORS—VALIDITY OF PURCHASER'S TITLE—
LAND TRANSFER ACT 1897 (60-61 VICT., c. 65), ss. 1, 2, 11, 24
—(R.S.O., c. 119, ss. 3, 5, 20)—CONVEYANCING AND LAW OF
PROPERTY ACT (44-45 VICT., c. 41), s. 70—(R.S.O., c. 109,
s. 56,

Hewson v. Shelley (1914) 2 Ch. 13. Was an action to set aside a sale made by the administrators of a deceased person's realty, a will appointing executors having been subsequently discovered and the letters of administration having been revoked and probate granted. Astbury, J., who tried the action, held that the sale was null and void (1913) 2 Ch. 384, (noted ante vol. 49, p. 659). This decision, if supported, would have made it exceedingly hazardous for anyone to buy real estate from an administrator. Happily, the Court of Appeal (Cozens-Hardy, M.R., and Buckley, and Phillimore, L.JJ.), have taken what appears to be a much sounder view of the situation, and have reversed his decision on