

LEASE—CONDITION FOR RE-ENTRY ON LIQUIDATION—VOLUNTARY LIQUIDATION BY LESSEE—FORFEITURE.

Fryer v. Ewart (1902) A.C. 187, may be briefly referred to. The action was to enforce a forfeiture of a lease made to a limited company, which was subject to a condition of re-entry in case the lessees went into compulsory or voluntary liquidation. The lessees being solvent, but being desirous of reorganizing, went into voluntary liquidation, and the House of Lords (Lord Halsbury, L.C., and Lords Macnaghten, Davey, Brampton, Robertson and Lindley) affirmed the decisions of the Courts below that this was a breach of the condition and operated as a forfeiture of the lease, and the receipt of rent after the liquidation proceedings had been advertised in the Gazette but without any actual notice by the lessors thereof was no waiver.

TRUST—PURCHASE OF CESTUI QUE TRUST'S INTEREST BY TRUSTEE—NON-DISCLOSURE OF VALUATION BY TRUSTEE.

Dougan v. Macpherson (1902) A.C. 197, although a Scotch appeal deserves notice. The point in controversy was whether a sale of the interest of a cestui que trust in the trust estate to the trustee, could be maintained where the trustee had procured a valuation of the interest (shewing it to be worth £800 more than the price given) but had failed to disclose it to the vendor. The House of Lords (Lord Halsbury, L.C., and Lords Ashbourne, Macnaghten, Shand, Brampton and Lindley) agreed with the Court of Sessions that the sale could not stand; Lord Brampton characterising the appeal as a frivolous and vexatious one.

MUNICIPAL CORPORATION—EXERCISE OF STATUTORY POWER BY PUBLIC BODY—COMPENSATION—INJURY CAUSED BY EXERCISE OF STATUTORY POWERS.

East Freemantle v. Aunois (1902) A.C. 213, an appeal from the Supreme Court of Western Australia, deserves attention as laying down a principle of general application. Under a Provincial Statute a municipal corporation was empowered to make alterations in a street level and in so doing lowered the street six or eight feet where it passed in front of the plaintiff's house. The statute made no provision for compensation to persons whose property should be injuriously affected by the exercise of the statutory powers; the plaintiff nevertheless brought his action, the Colonial Court held he was entitled to recover but the Judicial