

guided by was (as to widow and children) the position in which they had been maintained in the past. The judgment to this effect was approved by the Judicial Committee, and it was observed in the course of the committee's judgment, that "the matters of fact so carefully analysed" in the courts below were "essentially questions for the discretion of the local courts."

It may be questioned whether this experiment in legislation will prove quite successful in its present shape unless some more clearly defined rule for the exercise of judicial discretion is set in the statutes themselves. The more satisfactory plan would seem to be to boldly adopt both the principle and the method of the civil law and secure definitely to a widow her *jus relictæ* and to children their legitim as in Scotland.

The statutes above referred to leave one loophole which no doubt will sooner or later be taken advantage of. They apply only to testators. In the event of intestacy no application can be made to the court, so that if the intestate had denuded himself in his lifetime of all his property, as by gifts or voluntary settlements, a widow or child in whose favour no such gift or settlement had been made would be unable to secure an adequate provision out of the husband's or father's property.—*Law Times*.

MOTOR-CARS AND DISTRESS FOR RENT.

Is a motor-car in a garage, where it is ordinarily housed, liable to be distrained for rent by the landlord of the premises? This question does not seem to have been yet formally decided by the courts in England. A car standing in a garage merely for exhibition would not be exempt from distress: (*Simms Manufacturing Company v. Whitehead* (1909) W.N. 95.) Whether a motor-car standing in the garage where it is usually kept ready for the owner's use can be seized by the landlord as goods on the demised premises liable to distress depends on whether it comes within the second class of the "five sorts of things which at common law were not distrainable," viz., "Things delivered to a person exercising a public trade, to be carried, wrought, worked up, or managed in the way of his trade or employ": (*Simpson v. Hartopp*,