

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH
DECISIONS.

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**LEASE—LESSEE, DEATH OF—RENEWAL LEASE TO ONE OF NEXT OF KIN—
FIDUCIARY RELATION—ACCRETION TO INTESTATE'S ESTATE.**

In re Biss, Biss v. Biss (1903) 2 Ch. 40, a lessee from year to year of premises on which a profitable business was carried on died intestate leaving a widow and three children. The widow obtained administration of his estate. She and one of her sons respectively applied to the lessor for a renewal of the lease. The lessor refused to renew the lease in favour of the administratrix, but, having put an end to the tenancy from year to year, granted a new lease to the son for three years at an increased rent. The present action having been instituted for the administration of the deceased lessee's estate, the administratrix claimed that the estate was entitled to the benefit of the lease for three years obtained by the son. Buckley, J., who tried the case, held that the son was trustee of the lease for the estate and directed an account by him as trustee, but the Court of Appeal (Collins, M.R., and Romer and Cozens-Hardy, L.JJ.) unanimously reversed his decision, holding that the evidence established that the right or hope of renewal had been determined by the lessor himself, and that the son had in no way abused his position, nor stood in a fiduciary position towards, nor owed any duty to the other persons interested in his father's estate, and therefore the lease could not be treated as an accretion thereto. Romer, L.J., took the trouble to examine the original records in the case of *Palmer v. Young*, 1 Vern. 276, and discovered that the report is incorrect, which shews the value of preserving the records of legal proceedings.

**MARRIAGE SETTLEMENT—CONSTRUCTION—ULTIMATE TRUST OF WIFE'S
PROPERTY—DIE "WITHOUT HAVING BEEN MARRIED."**

In re Brydone, Cobb v. Blackburne (1903), 2 Ch. 84, Kekewich, J., construed of a clause in a marriage settlement dealing with the wife's property. The settlement vested the property in trustees upon trust to pay the income to the wife for her life, and