

the trust deed was not disclosed, all that appeared there being that the testator was a trustee, but it did not appear that any persons other than the trustee had any interest in the trust.

RIVER - SPRING—RIPARIAN PROPRIETOR, INTERFERENCE WITH RIGHT OF—INTERCEPTING WATER AT ITS SOURCE FROM FLOWING INTO STREAM.

In *Mostyn v. Atherton* (1899) 2 Ch. 360, which was an action by a riparian proprietor and his tenant to restrain the defendant from intercepting the flow of water into a stream, the water of which the plaintiffs were entitled to use for working a mill, the defendant claimed that he was entitled to abstract the water before it had risen to the surface, or flowed into a defined channel; but Byrne, J., held that he had no such right, and granted an injunction as prayed against such interference.

PROBATE—ADMINISTRATION WITH WILL ANNEXED—PROBATE ACT 1857 (20 & 21 VICT., c. 77), s. 73—(R.S.O., c. 59, s. 59)—"SPECIAL CIRCUMSTANCES."—GRANT TO STRANGER.

In *the goods of Potter* (1899) P. 265, was an application for a grant of letters of administration with the will annexed to a stranger in blood to the deceased, under the following circumstances: The deceased had left three documents of a testamentary nature, disputes arose between the next of kin, and for the purpose of putting an end thereto and to all litigation, all parties interested in the estate agreed that one Boughton, a stranger in blood to the deceased who had been engaged in auditing his accounts, and who had been appointed administrator pendente lite, should apply for, and obtain a grant of administration with the will annexed. Barnes, J., considered these "special circumstances," justifying the grant under the Probate Act, 1857, s. 75 (see R.S.O., c. 59), and, subject to such consents, and an affidavit of fitness being filed, made the grant as asked.