

at the instance of the purchaser to certain tenants in occupation of the premises, in order to obtain early possession, constituted an act of part performance as unequivocally referable to the contract as if the purchaser had taken possession of part of the property.—*Law Times*.

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What Irish Courts of Equity call "the doctrine of graft"—a branch of the ordinary doctrine of constructive trust—applies most strictly to a person who enters upon the lands of an infant with knowledge of the infant's rights. Such an one becomes a bailiff or a trustee for the infant, and on acquiring by virtue of his position any new or enlarged interest in the lands, is bound to hold that interest for the infant's benefit. *Smyth v. Byrne* ([1914], 1 Ir. R. 53), is possibly an extension of this well-known doctrine: at all events, it is the first decision that exactly the same principles apply to entry on the lands of a lunatic. A person so entered with notice of the lunacy and of the lunatic's rights to the land: the lunatic had held under a contract of tenancy: a new letting was made to the person who had entered, and the Court of Appeal decided that this was "a graft" on the old tenancy. "We must take the basis of the doctrine to be that the minor is helpless, and therefore cannot assent." The same state of incapacity to defend his rights existed in the case of a lunatic; he likewise could give no valid authority to anyone; and, therefore, the Court thought that the same equitable doctrine should apply for his protection.—*Law Magazine*.