

COMPANY—DIRECTOR—PROSPECTUS—NON-DISCLOSURE IN PROSPECTUS OF MATERIAL CONTRACT—COMPANIES' ACT, 1867 (30 & 31 VICT., c. 131) s. 38—(2 Ed. 7, c. 15 D.)

In *Watts v. Bucknall* (1903), 1 Ch. 766, the Court of Appeal (Collins, M.R., and Romer and Cozens-Hardy, L.JJ.) affirmed the judgment of Byrne, J., (1902), 2 Ch. 628, noted ante p. 66.

LIEN—EQUITABLE CHARGE ON LAND—INTEREST ON CHARGE—REAL PROPERTY LIMITATION ACT 1833 (3 & 4 W. 4, c. 27) s. 40—(R.S.O. c. 133, s. 23.)

In *re Drax, Saville v. Drax* (1903) 1 Ch. 781, is a somewhat extraordinary case as instancing how long a charge on land may be kept alive notwithstanding the Statute of Limitations. In 1823, under an order of the Court, the committee of a lunatic was authorized to purchase on behalf of the lunatic a freehold estate, and the order went on to declare that the purchase money was to form "a lien on the purchased estate in trust for the lunatic, his executors and administrators." The land was accordingly purchased and conveyed to trustees for the lunatic and the conveyance declared the lien as provided by the order; both order and conveyance were silent as to interest on the purchase money. The lunatic died intestate in 1828, leaving a married sister his sole heir and next of kin. She took out administration to his estate, and died in 1853, when her husband became tenant by the curtesy of the purchased estate, and continued in enjoyment thereof till his death in 1887. After his wife's death he took out administration both to her estate and that of the lunatic. The husband's representatives now brought the action against the persons who, on his death, had become entitled to the purchased estate, to enforce the lien for the purchase money and interest. It was contended that the charge was barred by the Statute of Limitations, and that it had merged in the freehold in the lunatic's lifetime, or when his sister became entitled, and that, in any case, no interest was chargeable because both the order and conveyance were silent as to interest. Joyce, J., who tried the action, refused to give effect to any of these contentions. As regards the question of merger he held that it was clear from the order that it was intended to create a charge in favour of the persons who should become entitled to the lunatic's personal estate as against those on whom the reality should devolve, and that there was therefore no merger in the life