

and, therefore, the plaintiff could not succeed. The Court of Appeal, however, was of the opinion that, as between the owner and insurer, the question of relation back was really immaterial; the true view being, that the owner had lost his vessel by capture, and the captors had lost their prize by shipwreck, and as the policy excepted loss by capture, the plaintiff could not recover.

PUBLIC BODY—EXPROPRIATION OF LAND—STATUTORY POWER OF EXPROPRIATION—NOTICE TO TREAT—CREATION OF NEW INTEREST AFTER NOTICE TO TREAT—COMPENSATION.

*Zick v. London United Tramways* (1908) 1 K.B. 611. The defendants in this action were empowered for the purpose of their undertaking to expropriate lands, and in pursuance of their statutory powers they gave the landlord of the lands in question in the action notice to treat. At the time the notice to treat was served the land was in the occupation of a tenant under an argeement in writing for the term of three years from March 14, 1905, subsequently by arrangement with the landlord and this tenant the plaintiff became lessee of the premises for a term of three years from 14 February, 1906, on similar terms in other respects to those under which the previous tenant held. Without notice to the plaintiff the defendants had entered and taken possession of the lands without making any compensation to the plaintiff, and the present action was for trespass in so doing. Jelf. J., who tried the action, held that notwithstanding the operation by surrender by operation of law of the former tenancy and the creation by the landlord, after notice to treat, of a new interest in favour of the plaintiff, the plaintiff was, nevertheless, entitled to compensation in respect of that interest so far as it did not exceed that existing at the time of the notice to treat and, therefore, during the period ending March 14, 1908, inasmuch as the creation of the new tenancy during that period did not impose any additional burden on the defendants. He therefore gave judgment for the plaintiff for 40s. damages and costs on the High Court scale, accompanied by the declaration that he was entitled to compensation.

CRIMINAL LAW — LARCENY — PLEADING—INDICTMENT—SUFFICIENCY OF AVERMENT AS TO PROPERTY IN GOODS.

In *The King v. Stride* (1908) 1 K.B. 617 the defendants were indicted for stealing 1,000 pheasant's eggs, "of the goods and chattels of and belonging to one Walter Gibbey." It was con-