

REVIEW OF CURRENT ENGLISH CASES.

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ADMIRALTY—TOWAGE CONTRACT—DEFECT IN TOWING GEAR— WARRANTY OF FITNESS OF TUG—EXEMPTIONS FROM LIABILITY.

In *The West Cock* (1911) P. 208, the Court of Appeal (Williams, Farwell and Kennedy, L.JJ.) have affirmed the decision of Evans P.P.D., (1911) P. 23, noted ante, p. 174.

PRACTICE—PARTIES—ADMINISTRATION ACTION—REAL ESTATE— CREDITOR'S ACTION.

In *re James, James v. Jones* (1911) 2 Ch. 348, a small point of practice on the subject of parties is settled by Warrington, J. The action was by a creditor for administration of the real and personal estate of a deceased person—and it was objected that as administration of the realty was asked, it was necessary that the plaintiff should sue on behalf of himself and all other creditors. The learned judge, however, overruled the objection, holding that since the Land Transfer Act, 1897, which contains similar provisions to those contained in the Devolution of Estates Act of Ontario, whereby the realty of a deceased person vests in his personal representative, it was no longer necessary that a creditor suing for administration of the realty should sue on behalf of other creditors.

DAMAGES—INTEREST—REFEREE'S REPORT—DATE FROM WHICH INTEREST RUNS—JUDGMENTS ACT 1838 (1-2 VICT. c. 110) ss. 17, 18.—(ONT. JUD. ACT, s. 116).

Astover Fluor Spar Mines v. Jackson (1911) 2 Ch. 355. This was an action for trespass to mines. By consent, on June 18, 1910, it was referred to a special referee to inquire as to the value of material taken by defendants from the plaintiffs' mines, making all just allowances for the cost and expense of bringing such material to the surface, and also whether the plaintiffs had suffered damage by reason of the defendants having rendered other minerals on the plaintiff's lands unworkable, the defendants to pay the amounts found due on such inquiry. The referee on June 1, 1911, found the amount due on each head of the inquiry, and the plaintiffs now moved for judgment in accordance with the report, and the question was whether the amounts found due bore interest from the date of the order of reference of the 18 June, 1910, or from report, or whether the interest would only run from the date of the judgment to be pronounced on the present motion. Eve, J., held that the order of the 18 June, 1910, was not an order