

therefor at law, after his death; see *Hambly v. Trott*, 1 Cowp. 371.

The case of *Woodhouse v. Walker* was followed in *Re Williams, Andrew v. Williams* (1884) 52 L.T. 40, affirmed by the Court of Appeal, (Brett, M.R. and Bagallay and Fry, L.JJ.), 54 L.T. 105, and though the Court held that the liability for permissive waste arose by reason that a duty to repair was imposed by the instrument creating the life estate, yet surely, as has been already said, that stipulation creates no higher or greater duty than the Statute of Gloucester imposes: see also *Re Skingley*, 3 Mc. N. & G. 221; *Gregg v. Cootes*, 23 Beav. 33.

But assuming that the imposition of a condition by the instrument creating the estate that a tenant for life is to repair does impose a greater liability than the Statute of Gloucester, then at all events as to such tenants for life according to the above cases there is a liability for permissive waste. But it is submitted that altogether apart from such conditions, the liability of tenants for life under the Statutes of Marlbridge and Gloucester is perfectly plain according to the ancient interpretation of those statutes, and that without any such conditions or provisos there is a liability on tenants for life both for active and permissive waste.

In view of what has been already said it is somewhat difficult to understand the language of Kay, J., in *Re Cartwright*, 41 Ch.D. 532. "At the present day it would certainly require either an Act of Parliament, or a very deliberate decision of a Court of very great authority, to establish the law that a tenant for life is liable to a remainderman in case he should have permitted the buildings on the land to fall into a state of dilapidation." The Statute of Gloucester as interpreted for 500 years, seems a pretty good foundation for the doctrine which he impugns and what is really needed to support the decision, *In re Cartwright* is an act repealing the Statutes of Gloucester and Marlbridge. *Re Cartwright*, moreover, seems inconsistent with another decision of Kay, J., himself, *In re Bradbrooke*, 56 L.T. 106. *In re Cartwright* was followed by North, J., *In re Parry* (1900) 1 Ch. 160; and by Boyd, C., in *Patterson v. Cen-*