

which have been established from the earliest times require a large and liberal interpretation of any provision made for the suppression of fraud. In *Heydon's Case*, 3 Rep. 7, the Barons of the Exchequer resolved that the construction of the statute then under consideration before them must be made "by enquiring what was the mischief and defect against which the common law did not provide: what remedy the Parliament had appointed to cure the disease of the commonwealth, and what was the true reason of the remedy." And the observation which follows in the report is one which ought never to be lost sight of in any case, and is peculiarly applicable to the present, namely, "that the office of all the judges is always to make such construction as shall suppress the mischief and advance the remedy, and to suppress subtle inventions and evasions for continuance of the mischief and pro privato commodo; and to add force and life to the cure and remedy, according to the true intent of the makers of the Act, pro bono publico."

W. MARTIN GRIFFIN.

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH DECISIONS.

(Registered in accordance with the Copyright Act.)

EXECUTOR—DELAY IN TAKING OUT PROBATE—NEGLECT AND DEFAULT.

In re Stevens, Cooke v. Stevens (1898) 1 Ch. 162 the Court of Appeal (Lindley, M.R., and Chitty and Williams, L.JJ.) have affirmed the judgment of North, J. (1897) 1 Ch. 422 (noted ante vol. 33, p. 486), holding that where there is delay in collecting assets, owing to the delay of executors in applying for probate, whereby interest is lost to the estate, the executors are not liable to account for such loss on the footing of wilful neglect and default. The remedy of parties likely to suffer by delay in taking probate, is to cite the executor in the Surrogate Court.