

replace the capital so distributed, on the ground that the payment to the shareholders was ultra vires. The defendant sought to escape liability on the ground that the payment and receipt of the money were wrongful acts, and that there is no contribution or indemnity as between wrongdoers, and that, at any rate, if the money was paid under mistake it was a mistake of law, and not of fact, and on that ground the plaintiffs could not recover. Lawrance and Channell, JJ., however, held that the plaintiffs were entitled to succeed on the ground that the plaintiffs and defendant stood in the position of trustees and cestui que trustent, and that it was a case of breach of trust committed with the assent of the cestui que trustent, for which the cestui que trustent was bound to indemnify the trustees. Strange to say, however, the case does not appear to have been directly covered by any previous authority.

STATUTE OF LIMITATIONS—TENANT-AT-WILL—ENTRY BY LANDLORD TO MAKE REPAIRS—DETERMINATION OF WILL—(R.S.O., c. 133, s. 5 (7).)

Lynes v. Snaith (1899) 1 Q.B. 486.—Ejectment. The defendant was, in 1884, allowed by her father-in-law to occupy the premises rent free, and she had continued to occupy them ever since. The father-in-law had from time to time entered the premises with the defendant's consent to make repairs. He died in 1897, having devised the premises in question in trust for the plaintiff. A County Court Judge gave judgment for the plaintiff, holding that the position of the defendant was that of a licensee, and not of a tenant; and, even assuming she was tenant-at-will, that the will was determined each time an entry had been made by the landlord to make repairs. On appeal, however, Lawrance and Channell, JJ., came to a different conclusion, and held that the defendant was in as tenant-at-will, and that the entry of the landlord with her consent to do repairs did not operate as a determination of the will, and that, consequently, the plaintiff was barred by the Statute of limitations.

CRIMINAL LAW—CROWN CASE RESERVED—JURISDICTION TO QUASH CONVICTION—CROWN CASES ACT, 1848 (11 & 12 VICT., c. 78, s. 2)—(CR. CODE, s. 746)

In *The Queen v. Saunders* (1899) 1 Q.B. 490 two prisoners were indicted together for conspiracy, one of them defended by counsel and the other defended in person. In the course of the trial