

entitled as against the true owner, as by leaving the mortgagor in possession he impliedly authorized him to carry on his business in the ordinary way, and that the engine must be presumed to have been brought on the mortgaged land on the terms of the hiring agreement, by his leave and license. But the Court of Appeal (Lord Russell, C.J., and Lindley and Smith, L.JJ.) decided that the engine had become a fixture and as such had become part of the freehold, and that the mortgagee was entitled to it as against the vendor, and that the intention of the mortgagor when originally placing the engine on the premises could not effect the mortgage, who took his mortgage without notice of the agreement, and the judgment of Kekewich, J., in favor of the mortgagee, was affirmed.

REVENUE—PROBATE DUTY—LOCAL SITUATION OF ASSETS—SHARE OF RESIDUE—
SUCCESSION DUTY ACT, 1892—(55 VICT., c. 6; 58 VICT., c. 7; 59 VICT., c. 5 (O).)

Sudeley v. Attorney-General, (1897) A.C. 11, which was known in the Court below as *Attorney-General v. Sudeley*, (1896) 1 Q.B. 354, and which was noted ante vol. 32, p. 354, has received the approval of the House of Lords. A will was submitted to probate and one of the assets of the testatrix's estate consisted of her right to a residuary share of her deceased husband's estate, which was composed largely of mortgages of property in New Zealand. At the time of the testatrix's death her husband's estate had not been fully administered, and the clear residue had not been ascertained, and no appropriation had been made of any part of the estate to answer particular shares of the ultimate residue. The House of Lords (Lords Halsbury, L.C., Herschell, Macnaghten and Davey) agreed with the majority of the Court of Appeal that the right of the wife's executors was not to one-fourth or any part of the New Zealand securities in specie, but merely to require the executors of her husband's estate to administer it and receive from them one-fourth of the clear residue when ascertained, and that this was an English asset of the wife's estate and was not "property locally situate out of the jurisdiction." See *Smelting Co. v. Commissioners of Inland Revenue*, ante p. 231.