were issued and registered in the name of a trustee for the creditor. In the winding up, the shares to the amount of the unsecured debt were held to be unpaid, and the trustee was placed on the list of contributories. Whereupon the trustee took an assignment of the original unsecured debt, and claimed to prove therefor. This claim was disallowed by Kekewich, J., but the Court of Appeal, (Lindley, M.R., and Chitty and Williams, L.J.J.) held that he was entitled to prove the claim. As Lindley, M.R., puts it, it was a case of failure of consideration, the creditor had agreed to accept fully paid up shares for his debt, but, in the result, he did not get what he had bargained for, and to that extent the consideration for which he had agreed to release his debt failed. The creditor's claim for interest was disallowed, and as a consequence he was refused costs.

MORTGAGE—BY PARTNERS TO SECURE PARTNERSHIP DEBT——DEVISEE OF LAND SUBJECT TO MORTGAGE FOR PARTNERSHIP DEBT—LOCKE KING'S ACT (17 & 18 VICT., C. 113)—(R.S.O. C. 128, S. 37.)

In re Ritson, Ritson v. *Ritson* (1899) 1 Ch. 128, discusses whether a devisee of land subject to a mortgage given by the devisor to secure a partnership debt, takes cum onere under the provisions of Locke King's Act (17 & 18 Vict., c. 113), from which R.S.O. c. 128, s. 37 is derived, or whether he is entitled to have the mortgage discharged out of the partnership assets where they are sufficient. Romer, J., held that in such a case the Act does not apply, and that the devisee is entitled to have the mortgage paid off out of the partnership assets, and the Court of Appeal (Lindley, M.R., and Chitty and Williams, L.J.J.) affirmed his decision, on the ground that the case is not one "between the different persons claiming through or under the deceased."

MORTGAGE—PRIORITY—FURTHER ADVANCES AFTER NOTICE OF SUBSEQUENT INCUMBRANCE—MORTGAGE OF EQUITABLE INTEREST, NOTICE TO TRUSTEE—LIMITATION OVER IN EVENT OF ALIENATION BY CESTUI QUE TRUST.

In *West* v. *Williams* (1899) 1 Ch. 132, the Court of Appeal (Lindley, M.R. and Chitty, and Williams, L.J.J.) reversed the decision of Kekewich, J. (1898) 1 Ch. 488, (noted ante, vol. 34, p. 443). In our former note the facts were pretty fully set out, and on reference to that note, it will be seen that three points were involved, viz.: (1) A question as to priority between two mort-