

DIGEST OF THE ENGLISH LAW REPORTS.

of her will had four thousand consols standing in the name of trustees for her. *Held*, that there was a specific gift of the consols to A. for life, with remainder to H. absolutely. The testatrix also gave her uncle any small sum remaining in the bank after her funeral expenses had been paid. At the date of her will her balance at the bank was £480, but had increased to £1373 at the date of her death. *Held*, that the whole balance passed.—*Page v. Young*, L. R. 19 Eq. 501.

2. Bequest to husband and wife for life, remainder to the survivor for life, with a gift over if the wife should die in the lifetime of the husband, and he should marry again. The husband married a second time. *Held*, that the gift over was invalid, being founded on a condition subsequent in restraint of marriage.—*Allen v. Jackson*, L. R. 19 Eq. 631.

3. A testator gave personal property to his wife for life, and after her death "to the University College, London, for the purpose of founding in it a new professorship of archæology, for the regulation of which I propose preparing a code of rules, which I intend to authenticate under my hand." The testator then directed that his executors should communicate to said college the fact of his bequest, and a copy of said rules; and that if the college should not within twelve months thereafter accept or refuse the bequest, the same should be void, and said personal property should form a part of the testator's residuary estate. The testator died without having made any rules. *Held*, that the college was entitled to the legacy.—*Yates v. University College, London*, L. R. 7 H. L. 438; s. c. L. R. 8 Ch. 454.

4. A testatrix gave money in trust for all the nephews and nieces of her late husband who were living at the time of his decease except E. and J., in equal shares as tenants in common. One nephew died before the date of the will, and another after the date, but in the lifetime of the testatrix. *Held*, that the gift was to a class, and must be shared by the nephews and nieces living at the death of the testatrix.—*Dimond v. Bostock*, L. R. 10 Ch. 358.

5. Bequest as follows: "I bequeath to my sister £1000 for her life, and after her death to her daughter G. If G. should die unmarried or without children, the £1000 I here will to revert to my nephew H." The testatrix appointed J. her residuary legatee. Said sister of the testatrix and H. died in the lifetime of the testatrix. G. married, and enjoyed the income of the gift during her life; but she died childless. *Held*, that the gift to J. took effect, and that he was entitled to the £1000.—*O'Mahoney v. Burdett*, L. R. 7 H. L. 388.

6. Gift of moneys upon trust for M., her executors, &c.; but in case she should depart this life without leaving any issue of her body, lawfully begotten, living at the time of her decease, then over. M. married, and subsequently succeeded to the property; and she died childless. *Held*, that the gift over took effect.—*Ingram v. Soutten*, L. R. 7 H. L. 408; s. c. L. R. 9 Ch. 45.

See DEVISE.

LIBEL.

The plaintiff in an action for libel made an affidavit that the handbill containing the libel had no printer's name attached, and that he could not ascertain who the printer was, and that he had reason to believe that the handbills were printed and circulated under the direction of the defendant; that the defendant was with a man who affixed and delivered the handbills, and that the plaintiff saw the defendant affix a handbill to the shutters of a shop. The plaintiff moved for interrogatories as to whether the defendant had not been instrumental in printing and circulating and posting the libel. The Court ordered the interrogatories to be administered.—*Greenfield v. Reay*, L. R. 10 Q. B. 217.

See INJUNCTION, 5.

LICENSE.—See TENANTS IN COMMON.

LIEN.—See BILLS AND NOTES; DOCUMENTS, PRODUCTION OF; INNKEEPER.

MANSLAUGHTER.—See ACCESSORY.

MARRIAGE, RESTRAINT OF.—See LEGACY, 2.

MASTER.—See SHIP.

MASTER AND APPRENTICE.—See CONTRACT, 5.

MINE.—See TENANTS IN COMMON.

MORTGAGE.

1. A mortgagor filed a bill for the redemption of a mortgage. The mortgagee filed an answer setting up subsequent advances made on the security of a deposit of title-deeds of another estate, and claiming to be paid the whole debt advanced on the two estates. The mortgagor amended his bill by introducing the statements made in said answer; but subsequently obtained an order *ex parte*, under which the bill was dismissed with costs. The mortgagor subsequently died, and the mortgagee filed a bill of administration of his estate, and praying permission to carry out a sale of the mortgaged estates, and for payment of his whole debt out of the mortgagor's estate. *Held*, that the equitable mortgage was not foreclosed, and that the mortgagee was entitled to the relief prayed for.—*Marshall v. Shrewsbury*, L. R. 10 Ch. 250.

2. For a case where a mortgage of chattels of various kinds was held not to include the stock in trade, see *Ex parte Jardine*. *In re McManus*, L. R. 10 Ch. 322.

3. A young man, twenty-six years of age, borrowed £85, and gave a mortgage of a reversion of £600 to secure £100 with interest at the rate of five per cent. a month. Twelve years afterward the reversion fell in. He was allowed to redeem on repayment of the sum borrowed, with interest at five per cent. per annum.—*Beynon v. Cook*, L. R. 10 Ch. 389.

See COMPANY, 3.

MORTMAIN.

A woman covenanted with trustees that she would by will secure to the trustees a certain sum of money whose income should be applied to certain charitable uses. The testatrix ac-