House of Lords (Lords Herschell, L.C., Watson, Halsbury, Macnaghten, Morris, and Shand) have now affirmed the decision of the Court of Appeal. It will be remembered that the question in issue was whether a marriage settlement made by an infant, wherein he bound himself to settle after-acquired property, could be repudiated by the settlor after the lapse of more than five years after his attaining his majority. The settlement was made in October, 1883. The infant settlor came of age in November, 1883. In July, 1888, the infant repudiated the settlement. Their lordships agreed with the Court of Appeal that the settlement was not void, but voidable, and that the repudiation of it, to be effective, must take place within a reasonable time after the infant attained majority, and that the repudiation in this case was not, in the circumstances, made within a reasonable time. In the case of a woman who repudiated a settlement made by her in infancy, it was held by North, J., that the repudiation was in time, though it did not take place till thirty-three years after the settlement. See *ante* p. 625.

MORTGAGE BY CESTUI QUE TRUST—INQUIRY OF TRUSTEES—PRIORITY—NOTICE TO TRUSTEES.

Ward v. *Duncombe*, (1893) A.C. 369, known in its previous stages as *In re Wyatt*, (1892) 1 Ch. 188, noted *ante* vol. 28, p. 199, was a contest for priority between a mortgagee and the trustees of a settlement, under the following circumstances: By a marriage settlement the wife's share in a fund held by the trustees of a will was settled. Sharp, one of the trustees of the will, had notice of the settlement; but Ellis, the other trustee, had not. Subsequently the husband and wife proposed to mortgage the wife's share, without disclosing the settlement. The mortgagee, prior to making the advance, made inquiry of Sharp and Ellis as to whether they had notice of any prior charge on the fund. Sharp returned an evasive answer, and Ellis stated that he had no notice of any prior charge. Without making further inquiry of Sharp, the money was advanced by the mortgagee. The House of Lords (Lords Herschell, L.C., Macnaghten, and Hannen) affirmed the decision of the Court of Appeal, that the trustees of the settlement were entitled to priority over the mortgagee, and that the fact that Sharp had died could not have the effect of depriving them of the priority which they had ac-