

WILL—CONSTRUCTION—LEGACY ON CONDITION OF THE LEGATEE REMAINING IN A CERTAIN "EMPLOYMENT" FOR A SPECIFIED PERIOD—SERVICE IN H.M. FORCES WHETHER BREACH OF CONDITION.

In re Cole, Cole v. Cole (1919) 1 Chy. 218. This also was a case of construction of a will whereby a testator had bequeathed a legacy to his three sons who should, prior to attaining the age of twenty, enter the employ of a named company and remain in such employ until the age of thirty-three. One of the sons born in 1895 in 1913 entered the employ of the named company, but in September, 1914, he voluntarily enlisted in H.M. Forces, with the consent of the directors of the company, from which he had not obtained his discharge. The trustees applied to the Court to determine whether the legatee had remained in the employment of the company within the meaning of the will while serving in the army. Sargant, J., decided that he had, and that the fact that his actual services and pay had been suspended during his absence was not material.

COMPANY-SHARES—JOINT HOLDING—RIGHT OF JOINT HOLDERS TO SPLIT THEIR HOLDINGS—ALTERATION OF REGISTER.

Burns v. Siemens (1919) 1 Chy. 225. This was an action to compel a joint-stock company to rectify its register in respect of certain shares jointly held by the plaintiffs in the company. These shares were at present registered in the joint names of the plaintiffs Burns and Hamboro and under the articles of the company Burns, whose name appeared first on the register, was alone entitled to vote on and represent the shares at meetings of the company, and consequently in the case of Burns' illness, the shares could not be represented. The plaintiffs desired to have the register altered, and have one-half the shares registered in the names of Hamboro and Burns. The company, for some reason not very apparent, resisted the action, but Astbury, J., who tried it, held that the plaintiffs were entitled to have the rectification of the register which they desired.

LIBEL—EXCESSIVE DAMAGES—MISDIRECTION—NEW TRIAL—ORD. XXXIX. r. 6—(ONT. JUD. ACT, s. 28).

Barber v. Deutsche Bank (1919) A.C. 304. This was an action for libel in respect of eight bills of exchange accepted by the plaintiffs. The libel was proved as to one bill, but not as to the other seven. Special damage as to the seven was shewn by reason of the statement complained of to the amount of £460.