

WILL—CONSTRUCTION—LEGACIES CHARGED ON LAND—SUBSEQUENT SPECIFIC DEVISE

Bank of Ireland v. McCarthy (1898) A. C. 181, was an appeal from the Irish Court of Appeal. The question at issue turns upon the construction of a will, whereby the testator made his legacies a general charge on his realty, in case his personal should prove insufficient, and then specifically devised all his lands. There was no residuary devise. The personal estate was deficient, and the devisees claimed that the lands specifically devised were free from the charge in favour of the legatees, on the ground that there is a presumption of law, that lands specifically devised are not intended to be subject to a general charge of legacies, unless it plainly appears that that was the testator's intention. The House of Lords (Lords Herschell, Macnaghten, Morris and Shand), affirmed the decision of the Court of Appeal, holding that in this case the intention of the testator was sufficiently manifest that the lands specifically devised should be subject to the charge, and therefore the presumption of law was rebutted.

PATENT—INFRINGEMENT—FOREIGN INFRINGEMENT SOLD ABROAD, AND DELIVERED IN ENGLAND—POST OFFICE.

The Badische Anilin &c. v. The Basle Chemical Works (1898) A.C. 200, is a case which in the Court of Appeal was known as *Badische Anilin v. Johnson* (1897) 2 Ch. 322, noted ante p. 18, and was an action by a plaintiff resident abroad to restrain the infringement of an English patent by a foreign manufacturer under the circumstances mentioned in our previous note, p. 18. The House of Lords (Lords Halsbury, L.C., Herschell, Macnaghten and Davey), have affirmed the judgment of the Court of Appeal, holding that as the contract of sale by the defendant was completed by the delivery to the post office in Switzerland, and as the post office there became the agent of the buyer and not of the seller, the latter had not made, used, exercised or vended the invention within the ambit of the patent.