

to an injunction restraining the working of such mines so as to interfere with the necessary support of the canal; that the Act provided means for the mine owners obtaining compensation, and that they must obtain it in the way pointed out; and that if it had not so provided, the inference would have been that the legislature did not intend to give them any right to compensation.

WILL—CONSTRUCTION—GIFT TO CHARITY OF SUCH PART OF RESIDUE "AS MAY BY LAW BE GIVEN TO CHARITABLE PURPOSES"—WILL MADE BEFORE MORTMAIN ACT, 1891 (54 & 55 VICT., c. 73), (55 VICT., c. 20 (O.))—DEATH OF TESTATOR AFTER PASSING OF ACT.

*In re Bridger, Brompton Hospital v. Lewis*, (1893) 1 Ch. 44, a testator by his will made before the passing of the Mortmain Act, 1891 (54 & 35 Vict., c. 73)—(see 55 Vict., c. 20 (O.))—bequeathed the residue of his estate subject to a life estate, subject to a trust to pay "such part of my residuary trust estate which may by law be given by charitable purposes" to a hospital. The testator died after the passing of the Act. It was held by North, J., that the Act applied to the will, and that there was nothing in the will to confine the gift to the hospital to property only which, at the date of the will, could have been by law given to charitable purposes; and that the hospital was therefore entitled to the entire residue of realty and personalty.

PRACTICE—COUNTERCLAIM—DISMISSAL OF ACTION—MOTION FOR JUDGMENT ON COUNTERCLAIM IN DEFAULT OF REPLY—ORD. XXIII., R. 4—ORD. XXVII., R. 11—(ONT. RULES 379, 727).

In *Roberts v. Booth*, (1893) 1 Ch. 52, the plaintiff claimed an account of a partnership. His action was dismissed for want of prosecution. The defendant had delivered a counterclaim for £66 4s. 6d. for money had and received. The plaintiff having made default in replying to the counterclaim, the defendant moved for judgment on the counterclaim. North, J., required an affidavit to be filed that the amount claimed by the counterclaim was due, and thereupon gave judgment for the amount claimed.

WILL—REMOTENESS—PERPETUITIES—INVALID POWER OF APPOINTMENT—LIMITATIONS IN DEFAULT OF APPOINTMENT.

In *re Abbott, Peacock v. Frigout*, (1893) 1 Ch. 54, Stirling, J., was called on to consider whether the rule that invalidates limitations.