

gement. Neville, J., thought that, notwithstanding the wrongful dismissal, the plaintiffs were entitled to enforce the undertaking, but the Court of Appeal (Cozens-Hardy, M.R., and Moulton and Buckley, L.JJ.) were of a different opinion and reversed his decision and dismissed the action.

RECEIVER—PARTITION ACTION—SALE BY MORTGAGEE—PURCHASE BY RECEIVER WITHOUT LEAVE OF COURT.

In *Nugent v. Nugent* (1908) 1 Ch. 546 the sole point in question was whether a receiver could, without the leave of the court, purchase for his own benefit property of which he was appointed receiver at a sale thereof by a mortgagee under a power of sale. Eady, J., held that he could not (1907) 2 Ch. 292 (noted ante, vol. 43, p. 724), and the Court of Appeal (Cozens-Hardy, M.R., and Moulton and Buckley, L.JJ.) have now affirmed his decision.

WILL.—CONSTRUCTION—NO NEXT OF KIN—UNDISPOSED OF RESIDUE—EXECUTORS BENEFICIALLY ENTITLED—EQUAL PECUNIARY LEGACIES TO EXECUTORS—UNEQUAL SPECIFIC LEGACIES TO EXECUTORS—PRESUMPTION OF INTENTION.

In *re Glukman, Attorney-General v. Jefferys* (1908) 1 Ch. 552. This was an appeal from the decision of Eady, J. (1907) 1 Ch. 171 (noted ante, vol. 43, p. 354). That learned judge held that where a pecuniary legacy of any kind is left to executors, that raises a presumption that the testator did not intend that they should take beneficially the undisposed of residue of the personality in the event of there being no next of kin, even though such legacies were unequal; but the Court of Appeal (Cozens-Hardy, M.R., and Moulton and Buckley, L.JJ.) have come to the conclusion that the presumption of an intention that executors should not take beneficially undisposed of residue, where there are no next of kin, only arises from the fact of gifts being made to the executors by the testator, where such gifts are equal, and if there is any inequality in such gifts the presumption does not arise. In the present case the testator had given each of his executors £1,000, but to two of them he had also given other specific gifts. This inequality was held to prevent any presumption of an intention that they should not take beneficially the undisposed of residue.