

REVIEW OF CURRENT ENGLISH CASES

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BEQUEST—UNCERTAINTY—"PUBLIC, BENEVOLENT OR CHARITABLE PURPOSES" AS TRUSTEES MIGHT THINK PROPER—LIMITATION TO PARTICULAR LOCALITY.

Houston v. Burns (1918) A.C. 337. This was an appeal from the Scotch Court of Session. The question involved was as to the validity of a bequest made by a testatrix "for such public, benevolent, or charitable purposes" in connection with a certain named parish, as her trustees might think proper. The House of Lords (Lord Finlay, L.C., and Lords Haldane, Dunedin, Atkinson, and Shaw) agreed with the court below that the bequest was invalid on the ground of uncertainty—because the bequest must be construed disjunctively, and a bequest for public purposes was too vague, and the fact that there was a limitation imposed as to the locality did not validate the bequest notwithstanding a dictum of Lord Romilly in *Dolan v. Macdermot*, L.R. 5 Eq. 60, to the contrary.

INSURANCE (MARINE)—VESSEL TORPEDOED—SUBSEQUENT LOSS THROUGH SINKING AT DOCK TO WHICH IT HAD BEEN TOWED—PROXIMATE CAUSE OF LOSS.

Leyland Shipping Co. v. Norwich Union F. I. Co. (1918) A.C. 350. This was an appeal from the decision of the Court of Appeal (1917) 1 K.B. 873 (noted *ante*, vol. 53, p. 329). The action was on a policy of marine insurance which exempted the insurers from loss occasioned by hostilities. The vessel insured was torpedoed, but was subsequently towed into port in a disabled condition and ultimately sunk at the dock to which she was moored and became a total loss. The Court of Appeal held that the proximate cause of loss was the torpedoing of the vessel and therefore the insurers are not liable, and this decision is affirmed by the House of Lords (Lord Finlay, L.C., and Lords Haldane, Dunedin, Atkinson and Shaw).

MORTGAGE—ACCOUNT—BANKER AND CUSTOMER—STATED ACCOUNT—APPROPRIATION OF PAYMENTS—RECEIVER—LIEN FOR SALVAGE PAYMENTS.

Yourell v. Hibernian Bank (1918) A.C. 372. This was an appeal from the Irish Court of Appeal. The action was brought