

MORTGAGE—OVERDRAFT OF BANK ACCOUNT GUARANTEED BY TESTATOR—TRANSFER OF ACCOUNT TO ANOTHER NAME—MORTGAGED PROPERTY SPECIFICALLY DEVISED—(LOCKE, KING'S ACT, 17-18 VICT. c. 113), s. 1—(10 EDW. VII. c. 57, s. 38, ONT.).

*In re Hawkes, Reeve v. Hawkes* (1912) 2 Ch. 251. In this case the facts were that a testator, in 1899, to secure all moneys then or which might thereafter be owing from him to a bank, charged certain freehold property which he afterwards, by will, made in 1902, devised to his son. The testator in that year becoming incapacitated for business, his bank account was transferred first to the name of his son and one of his daughters, and then to the name of his son and another daughter. In 1907 the account was overdrawn and the testator gave the bank a document whereby he requested the bank to permit its overdraft and guaranteed payment of all moneys then or thereafter due on the account for advances or otherwise. At the testator's death the account was overdrawn, and the debit balance was subsequently discharged out of his personal estate. In these circumstances the question arose whether, under Locke King's Act (see 10 Edw. VII. c. 57, s. 38, Ont.), the freehold property devised to the son was primarily liable for the debt due to the bank, and therefore bound to make good to the personal estate the amount thereof, and Parker, J., held that it was.

PARTITION ACTION—ORDER FOR SALE EFFECTS CONVERSION OF ESTATES OF PERSONS, SUI JURIS, AT DATE OF ORDER—MARRIED WOMAN.

In *Herbert v. Herbert* (1912) 2 Ch. 268, Eady, J., decided that an order for sale in a partition action, though not acted on, effected a conversion into personalty of the estates of all parties, who were *sui juris* at the date of the order, but not the estates of parties who were not *sui juris*, e.g., a married woman, who had not requested a sale, notwithstanding she subsequently became discoverd; nor does it operate the conversion of such a share i.e., of a person not *sui juris*, subsequently descending to one of the parties as to whose own share the order did work a conversion.

ANCIENT LIGHTS—OBSTRUCTION — MEASURE OF DAMAGES.

*Griffith v. Clay* (1912) 2 Ch. 291. In this case the simple question was, what is the proper measure of damages for ob-