child named Harry Gossage, who had been placed in his charge, as the manager of a charitable institution, on the ground that he had parted with the custody of the boy before the order was made, and it was impossible to comply with the writ. It was contended by the respondents that the order was not appealable under the Judicature Act, s. 19, but this objection was overruled; but on the main question the appeal was dismissed, and the judgment of the Court of Appeal, 24 Q.B.D. 283 (noted *ante* vol. 26, p. 167), affirmed, on the ground that the respondent was entitled to require a return to be made to the writ, in order that the facts under which the appellant had parted with the custody of the child might be more fully investigated. Lord Halsbury, C., and Lords Watson, Herschell, and Hannen, however, disapproved of the statement of the law as laid down in *Regina* v. *Barnardo*, 23 Q.B.D. 205, to the effect that if the custody of the person alleged to be detained has been illegally parted with before the issue of the writ, it is no answer to the writ. Lord Herschell says at p. 339: "To use it (*i.e.*, the writ of *habeas corpus*) as a means of compelling one who has unlawfully parted with the custody of another person to regain that custody, or of punishing him for having parted with it, strikes me at present as being a use of the writ unknown to the law, and not warranted by it."

WILL—CONSTRUCTION—GIFT OF INCOME—LIFE ESTATE—GIFT OVER—DEATH WITHOUT LEAVING CHILDREN—IMPLIED GIFT TO CHILDREN—RESIDUARY GIFT.

*Scale* v. *Rawlins* (1892), A.C. 342, was an appeal from the Court of Appeal, 45 Ch.D. 299. The only point raised on the appeal was as to the construction of the will of a testator, who gave three freehold houses to his nephews S. and W. upon trust to pay the rents to his niece during her life, and after her decease, "she leaving no child or children," he gave one of the houses to S. and the other two to W. After making other bequests, the testator gave his residuary estate to S. and W. equally. The niece died leaving children, and the House of Lords (Lord Halsbury, C., and Lords Watson, Herschell, Macnaghten, Morris, and Hannen) unanimously affirmed the Court of Appeal in holding that there was no implied gift of the houses to the children of the deceased niece, but that they passed under the residuary gift to S. and W. equally.

PATENT—INFRINGEMENT—PRIOR PUBLICATION—PRIOR PUBLIC USER.

*The Anglo-American Brush Electric Light Corporation* v. *King* (1892), A.C. 367, was an appeal from the Court of Session in Scotland. The action was brought by King to set aside a patent for making dynamo-electric machines on the ground of a prior publication, contained in a specification for an earlier patent. The case turned upon whether the specification in the earlier patent was sufficient to disclose the invention; and the House of Lords (Lord Halsbury, C., and Lords Watson, Herschell, Macnaghten and Field), affirmed the Court of Session, that the proper test was whether the description in the specification of the earlier patent was sufficient to disclose to men of science and employers of labour information which would enable them to understand the invention, and give a workman specific directions for the making of the machine, and that applying that test there had been such prior publication.