

RECENT ENGLISH DECISIONS.

TRUSTEE ACT, 1850, s. 2—TRUSTEE EXTENSION ACT,
1859, s. 3.

In re Findlay, 32 Chy. D. 221, was an application under the Trustee Acts. A legacy belonging to an infant under a Scotch will, which made no express provision for maintenance, was paid over to a *curator bonis* appointed by a Scotch court, and was invested by him in New Zealand stock in the sole name of the infant. The Scotch court authorized the *curator* to advance from time to time sums out of the capital not exceeding in all £100, to supplement the income of the infant, and to enable her to be placed at a suitable school. The stock was transferable at the Bank of England, and the *curator* presented a petition asking that the right to transfer £100 of the stock might be vested in him with liberty to sell and transfer the same; and that the accrued and future accruing dividends of the rest of the stock might be paid to him, he undertaking to apply them towards the maintenance of the infant, and also that he might be appointed guardian. North, J., made the order, holding that the infant was a "trustee" of the stock within the meaning of the Trustee Acts.

TRUSTEE ACT, 1850, ss. 33, 34—APPOINTMENT OF NEW
TRUSTEE.

Davis v. Hodgson, 32 Chy. D. 225, is another case under the Trustee Act, 1850, in which the court (North, J.) appointed three existing trustees, new trustees in place of themselves and another trustee who was bankrupt and had absconded, there being difficulty, owing to the litigation, in procuring a fourth person to accept the office; but the new trustees were required to undertake to pay and transfer the trust estate when received into court.

ACCUMULATION—MAINTENANCE.

In re Collins, Collins v. Collins, 32 Chy. D. 229, a testator having directed the income of all his residuary, real and personal estate to be accumulated for twenty-one years, and having given the accumulated estates to his sister for life, then to her three sons successively in tail male, on an application by the three sons by their next friend for an allowance of £2,000 a year for their maintenance and education out of the income directed to be accumulated, Pearson, J., following *Havelock v. Havelock*, 17 Chy. D. 807, made the order asked.

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INCHOATE MARRIAGE SETTLEMENT—CANCELLATION.

Bond v. Walford, 32 Chy. D. 238, was a suit to cancel a marriage settlement made in contemplation of a marriage which was never solemnized. The engrossment had been executed by the intended wife and her father, and provided *inter alia* for the settlement of certain funds to be provided by the father, and also the present and after-acquired property of the lady, and was delivered to the solicitor of the intended husband, but had never been executed by him nor the trustee. The engagement was broken off by mutual consent, and after the lapse of three years and a half, the court (Pearson, J.) declared the engrossment void as a settlement, and ordered it to be given up.

ADMINISTRATION—COSTS—BANKRUPT EXECUTOR
DEBTOR TO ESTATE.

In re Vowles, O'Donoghue v. Vowles, 32 Chy. D. 243, was an administration action, the sole executor, who was a defendant, became bankrupt after the administration judgment. He was a debtor to the estate in respect of a loan made to him by the testator. Upon the question of costs, Pearson, J., held that he was entitled to his costs, subsequent to the bankruptcy, out of the estate, but that his prior costs must be set off against the debt due him, following *Re Basham*, 23 Chy. D. 195.

SOLICITOR—AGENT—RETAINER.

The point of practice determined *In re Scholes*, 32 Chy. D. 245, was that an order for taxation of costs obtained by London agents acting for a country principal was irregular, because the names of the London agents were indorsed on the petition as principals, and the order was therefore discharged on motion of the client on whose behalf it was issued, but without costs.

RECURRING DAMAGE—CAUSE OF ACTION—LIMITATION

Taking up now the Appeal Cases, the first that demands attention is the important case of *The Darby Main Colliery Co. v. Mitchell*, 11 App. Cas., 127. This is a decision of the House of Lords on the question whether after a plaintiff has once recovered damages for an injury to his property caused by an act of the