

DIGEST OF ENGLISH LAW REPORTS.

owners and occupiers, that the bill was not multifarious, and that the joinder of "others interested," either as plaintiffs or defendants, was not essential.—*Commissioners of Sewers of the City of London v. Glasse*, L. R. 7 Ch. 456.

See INDICTMENT; PRACTICE, 4; STATUTE OF FRAUDS, 2.

POLICY.—See INSURANCE; MORTGAGOR AND MORTGAGEE.

POWER OF ANTICIPATION.—See ESTATE FOR LIFE.

POWER OF DIRECTORS.—See ULTRA VIRES.

POWER OF SALE.

D. mortgaged an estate to I., with power of sale. I., after the mortgage became due, assigned it to K. and R. In this assignment the deed from D. was recited, and there was added: "but the said power has not been, and is not intended to be exercised." The recitals set forth also that K. and R. were to pay the mortgage on receiving an assignment of the security. I., at the request of D., assigned and confirmed to K. and R., the money due on the mortgage, and all "powers . . . for recovering the same . . . and every covenant and security therein . . . contained." I. also conveyed to K. and R. in mortgage with a new stipulation, as to time of payment of the debt, and with power of sale on default. D. confirmed the latter deed. *Held*, that the power of sale in the original mortgage from D. to I. was not lost by the subsequent assignments, and new covenants and recitals.—*Boyd v. Petrie*, L. R. 7 Ch. 588.

See EXECUTOR AND ADMINISTRATOR; MORTGAGE.

PRACTICE.

1. In an action against a foreign ship the præcipe laid the damages at £500, for which the owners gave bail. Judgment was given for £452 2s. 8d., with £432 10s. 3d. costs. Defendants paid the £500, and refused to pay more. The court ordered a writ to issue for the seizure of the ship, for payment of the balance.—*The Freedom*, L. R. 3 Ad. & Ec. 495.

2. In a suit for infringement plaintiffs obtained a verdict, and an order for an account of profits. Defendants appealed from the verdict, and on the hearing to take an account of profits refused to produce their books. *Ordered*, that the books be produced without awaiting the determination of the appeal.—*Saxby et al. v. Easterbrook, et al.*, L. R. 7 Ex. 207.

3. In an action against ship agents for damages for having been induced to take passage in an unseaworthy vessel, inspection of certain letters alleged to have been written by plain-

tiff's fellow-passengers to defendants, complaining of the condition of the vessel; and of letters of the masters and agent, written after the complaints, were asked for, on the ground that they contained information necessary to the cross-examination of witnesses of defendants. *Held*, no ground for inspection.—*Richards v. Gellatly et al.*, L. R. 7 C. B. 127.

4. The respondent to a divorce suit pleaded want of jurisdiction, and delayed filing an answer on the merits during the pendency of the hearing on said plea. *Held*, that she should have pleaded the facts as to jurisdiction in her answer on the merits, and filed her answer within the proper time.—*Wilson v. Wilson, et al.*, L. R. 2 P. & D. 341.

5. Two of the testator's three executors were, with others, his partners in business, where part of his property remained for some time after his decease. On a bill for an account of administration, *held*, that the books of the firm must be produced.—*Vyse v. Foster*, L. R. 13 Eq. 602.

6. A suit *in rem*, by the owners of ship A., was brought against ship B., in consequence of a collision. Afterwards a suit *in rem* against ship B. was brought by the owners of the cargo on ship A. *Held*, that an application for permission to use, in the second suit, the evidence adduced in the first could not be granted without the consent of the defendants.—*The Demetrius*, L. R. 3 Ad. & Ec. 523.

7. A view may be allowed the jury after the summing up of the judge.—*The Queen v. Martin et al.*, L. R. 1 C. C. R. 378.

See EVIDENCE, 1, 2; LETTERS-PATENT, 3; MORTGAGE; SOLICITOR, 4.

PRECEDENT CONDITION.—See CONDITION PRECEDENT.

PREMIUM.—See MORTGAGOR AND MORTGAGEE.

PREPAYMENT OF RENT.—See LANDLORD AND TENANT, 2.

PREROGATIVE OF CROWN.

An action of trespass was begun by the copyholder and terre-tenant of lands, in respect of which the Queen as lady of the manor had granted a license to enter and dig for minerals, against the licensees. The Queen, by her attorney-general, filed a bill on the equity side, asking that the action at law might be restrained. *Held*, that the Queen being interested in the proceedings, had a right *jure corone*, to be a party thereto; and therefore equity had jurisdiction, and the injunction must go.—*Attorney-General et al. v. Barker et al.*, L. R. 7 Ex. 177.

PRESUMPTION.—See HIGHWAY,

PRIMA FACIE PROOF.—See EVIDENCE, 2.