

for renewals of leases, improvements, repairs, premiums on policies or otherwise for the benefit or in respect of his real or personal estate; but the will contained no express power to mortgage. The point submitted for the opinion of Kekewich, J., was whether the trustees had power to raise money by mortgage of the real estate for the purposes of effecting repairs on the houses on the real estate, and he held that the power to apply the corpus of the property in that way necessarily implied a power to mortgage.

**LEASE — CONSTRUCTION — RIGHT-OF-WAY — MISDESCRIPTION — FALSA DEMONSTRATIO.**

In *Cowen v. Trufitt* (1898) 2 Ch. 551, the plaintiff was lessee of the rooms on the second floor of Nos. 13 and 14 Old Bond Street, together with right of access to and from the premises "through the staircase and passages of No. 13." As a matter of fact there was no staircase in No. 13 leading to the demised premises, but there was such a staircase in No. 14. It was held by Romer, J., that a right of access over the staircase in No. 14 passed to the lessee, and that the words "of No. 13" might be rejected as a *falsa demonstratio*, though admitting the case was not free from difficulty.

**PRIVY COUNCIL — LEAVE TO APPEAL — COSTS, TERMS IMPOSED AS TO, ON GRANTING LEAVE TO APPEAL.**

In *Montreal Gas Co. v. Cadioux* (1898) A.C. 718, an application was made to the Judicial Committee for leave to appeal on behalf of the defendants, and the question sought to be raised was whether the defendants were compellable to supply gas to a person in one place when he neglects and refuses to pay for gas supplied to him by the defendants in another place. The committee granted the leave asked, but on the terms that the defendants should submit to pay the respondents' costs of the appeal in any event.

**EVIDENCE — REASONS OF JUDICIAL OFFICER INADMISSIBLE AS EVIDENCE — IMPROPER MOTIVE FOR DOING A LEGAL ACT — RULE OF COURT, INVALIDITY OF.**

*King v. Henderson*, (1898) A.C. 720, is an appeal from New South Wales. The action was brought to recover damages for maliciously presenting a petition in bankruptcy against the plaintiff. The plaintiff was non-suited at the trial, and he then moved for a new trial on the ground of the refusal of the judge at the trial to