

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH
DECISIONS.

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WILL — CONSTRUCTION — REMOTENESS — ABSOLUTE GIFT SUBJECT TO TRUSTS WHICH FAIL.

In *Hancock v. Wilson* (1902) A.C. 14, the House of Lords (Lords Davy, Shand, Brampton, Robertson, and Lord Halsbury, L.C.) have affirmed the well-established principle that where a gift over is made on one or more contingencies, one of which would be valid and the other invalid for remoteness, the gift must be read as a whole and cannot be split, in order to give effect to the contingency which, if it stood alone, would be valid. Their Lordships have also determined that where there is an absolute gift to a legatee, and trusts are engrafted or imposed on that absolute interest which fail from lapse or invalidity, or any other reason, then the absolute gift takes effect so far as the trusts have failed, to the exclusion of the residuary legatee or next-of-kin, as the case may be.

MORTGAGE—"CLOG ON REDEMPTION"—TIED PUBLIC HOUSE—MORTGAGE OF LEASEHOLD PUBLIC HOUSE—COVENANT BY MORTGAGOR TO BUY BEER OF MORTGAGEE ONLY.

In *Noakes v. Rice* (1902) A.C. 24, the House of Lords (Lord Halsbury, L.C., and Lords Macnaghten, Shand, Davey, Brampton, Robertson and Lindley) have affirmed the decision of the Court of Appeal in *Rice v. Noakes* (1900) 2 Ch. 445 (noted ante vol. 37, p. 63). A mortgage of a leasehold public house contained a covenant by the lessees during the continuance of the term, and whether anything was due on the security or not, to buy beer exclusively from the mortgagees. The mortgagor claimed to redeem, on redemption a release of this covenant. The House of Lords agreed with the Courts below that the mortgagor was entitled to what he claimed. *Carritt v. Bradley* (1901) 2 K.B. 550 (noted ante vol. 37, p. 778), we see was cited in support of the case of the mortgagees, but it is not referred to in the judgments of their Lordships, but the principles they lay down seem to be altogether destructive of its authority.