

ment of debts there, and the legacies given by that will, that the residue of his American property should be realized under the direction of the executors of the English will, and the proceeds remitted to them. Barnes, J., was of opinion that the wills were intended by the deceased to be two separate and independent documents, and that the American was not incorporated by the English will, and therefore that it could not be included in the probate of the English will.

PRACTICE—EVIDENCE—PHOTOGRAPH.

In *Frith v. Frith* (1896), p. 74, which was a divorce suit, the petitioner offered as proof of the adultery of his wife, the respondent, the evidence of a witness and his wife, who proved that a man and woman had lived in their house as Mr. and Mrs. Plaice, and who identified the woman as the same person whose photograph was shown to them, which the petitioner identified as the portrait of his wife. Barnes, J., refused to act on this evidence, and adjourned the hearing in order that the witnesses might point out to some one who knew the respondent, the woman who had lived with them as Mrs. Plaice.

TRUSTEE—BREACH OF TRUST—SOLICITOR—AGENT—CONSTRUCTIVE TRUSTEE—
PARTNER OF SOLICITOR, LIABILITY OF.

In *Mara v. Browne*, (1896) 1 Ch. 199, the Court of Appeal (Lord Herschell and Smith and Rigby, L.JJ.) reversed the decision of North, J., (1895) 2 Ch. 69 (noted *ante* vol. 31, p. 436), but several points discussed before North, J., are not noticed by the Court of Appeal, as on the main point, as to the liability of the defendants as constructive trustees, the decision was reversed, and as a consequence the other questions depending thereon ceased to be important. In our former note of this case we referred to the facts at some length. It is now only necessary to say that so far as they were material to the decision they were briefly as follows. Hugh Browne and Arthur Browne were solicitors carrying on business in partnership. Hugh Browne was employed by the beneficiaries of a marriage settlement, to get the trust funds out of the hands of one of the trustees whose solvency was doubtful, and to pro-