

DIGEST OF ENGLISH REPORTS

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COMMENCING JANUARY, 1866.

ACCOMPLICE.—See WITNESS, 3.

ACCRUER.

1. By a marriage settlement, funds were settled on the wife for life; remainder to the children equally, "to be a vested interest at their ages of 21," with a gift over to the husband in case all the children died under 21, and a reversion to the settler, if no child was born; but no clause of survivorship and accruer as to shares of children dying under 21. Of five children, four only attained 21; *Held*, that the whole fund vested in the four.—*Colley's Trusts*, Law Rep. 1 Eq. 496.

2. On a gift to testator's daughters, "the share or shares of such daughters to be for their separate use," followed by a contingent gift to survivors, the separate use attaches to accrued shares.—*Jarman's Trusts*, Law Rep. 1 Eq. 71.

ADMINISTRATION.

1. The executor being out of the jurisdiction, administration with the will annexed was granted to the guardian of infant legatees, limited to their interest.—*Goods of Hampson*, Law Rep. 1 P. & D. 1.

2. If, after an order on summons for the administration of a testator's estate, the sole executor and trustee has become bankrupt, a receiver ought to be appointed, though the assignees are not before the court.—*In re Johnson*, Law Rep. 1 Ch. 325.

3. If the estate of a deceased consists of his share in a business which he was carrying on in partnership at the time of his death, and which the surviving partner continues to carry on, an administrator *pendente lite* will not be appointed against the wishes of such partner, unless a strong case is made, that he is dealing improperly with the business.—*Howell v. Wills*, Law Rep. 1 P. & D. 103.

4. The administrator being the only person beneficially interested in an intestate's estate, and there being no creditors, a bond was allowed to be given with sureties resident in Scotland.—*Goods of Houston*, Law Rep. 1 P. & D. 85.

5. Justifying sureties will not be dispensed with, though a receiver of the estate has been appointed in chancery, if chancery may not continue to have the control of the estate, after

administration granted.—*Jackson v. Jackson*, Law Rep. 1 P. & D. 12.

6. The court will not discharge original sureties to an administration bond, or allow other sureties to be substituted.—*Goods of Stock*, Law Rep. 1 P. & D. 76.

See CONFLICT OF LAWS, 3; EQUITY PLEADING, 1; EXECUTOR; HUSBAND AND WIFE, 4.

AIDING TO ESCAPE.

The 23 & 25 Vic. c. 126, sec. 37, which forbids the conveyance into a prison with intent to aid an escape, of any mask, dress, or other disguise, or of any letter, or of any other article or thing, includes a crowbar.—*The Queen v. Payne*, Law Rep. 1 C. C. 27.

ALIEN.—See COPYRIGHT, 2.

ALIMONY.

In making an order as to settled property under 22 & 23 Vic. c. 61, sec. 5, the divorce court will consider the conduct of the parties, as well as their pecuniary position.—*Chetwynd v. Chetwynd*, Law Rep. 1 P. & D. 39.

APPEAL.

Execution of a decree, that the plaintiff should be let into possession of real estate, the defendant being about to appeal, and the plaintiff declining to give security to refund the rents in case of a reversal of the decree, was stayed; the defendant giving security for past rents, the future rents to be paid into court, with liberty to the plaintiff to apply as to maintenance, and for costs of the appeal.—*Burrs v. Fawkes*, Law Rep. 1 Eq. 392.

See EQUITY PRACTICE, 3, 7.

APPRENTICE.—See MASTER AND SERVANT, 4.

APPROPRIATION OF PAYMENTS.—See CONTRACT, 1.

ARBITRATION.

A master, to whom an action on a building contract has been referred, under the Common Law Procedure Act, may send a surveyor in whom he can confide, to view and report on the work done; but the parties may offer independent evidence.—*Gray v. Wilson*, Law Rep. 1 C. P. 59.

See AWARD.

ASSAULT.—See INDICTMENT.

ASSIGNMENT.—See PLEADING, 1.

ATTORNEY.—See SOLICITOR.

AUCTIONEER.

See PRINCIPAL AND AGENT, 2; VENDOR AND PURCHASER, 3.

AWARD.

1. It is no objection to an award, that the arbitrator has not found each matter referred to him separately, unless from the submission

* See page 32 ante for explanation as to the above. We are largely indebted in the construction of this Digest to the valuable American Quarterly *The American Law Review*.