

U.S. CIRCUIT COURT } [JUNE, 1897.  
OF APPEALS, }  
THIRD CIRCUIT. }

CLARK & CO. v. THE SIGUA  
IRON COMPANY.

*Equitable Assignment—Litigation Agree-  
ment.*

The defendants held \$24,500 of the corporation plaintiffs' bonds as collateral security for the payment of plaintiffs' note of \$30,000 held by them. The defendants agreed to surrender these bonds to the plaintiffs, and in consideration of such surrender the plaintiffs contracted to put in suit certain claims it held for stock subscriptions, and to place the litigation in the hands of attorneys to be selected by defendants, and that any judgments recovered should be assigned to plaintiffs, and any sums collected upon the stock subscriptions should be for the benefit of plaintiff and be paid to them. Held, that this constituted an equitable assignment of the stock subscriptions to the defendants.

### ENGLAND.

HOUSE OF LORDS.] [JULY 29.  
THE GRETA HOLME.

*Ship—Damage by Collision—Remote-  
ness of Damage.*

The Mersey Docks and Harbor Board, who are the statutory conservancy authority of the port of Liverpool, claimed damages from the owners of the *Greta Holme* for the loss of the use of a dredger sunk by the negligence of those in charge of the *Greta Holme*. The Board alleged that they might have let the dredger at the rate of 100*l.* a week during the fifteen weeks she was under repairs. The Court of Appeal held that the damages were too remote to be recovered. The appeal was twice argued in the House—the first time on March 19 and 23 before Lord Herschell, Lord Macnaghten, Lord Morris and Lord Shand, and the second time on April 6 before the same noble lords, with the addi-

tion of the Lord Chancellor (Lord Halsbury) and Lord Watson.

Their Lordships (Lord Morris dissenting) reversed the decision of the Court of Appeal (65 Law J. Rep. P. D. & A. 69; L. R. (1896) P. 192), without costs, and assessed the damages at 500*l.*

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HOUSE OF LORDS.] [JULY 16.

EARL RUSSELL (APPELLANT) v.  
COUNTESS RUSSELL (RE-  
SPONDENT).

*Husband and Wife—Separation—  
Cruelty.*

Persistence by a wife in a charge against her husband that he has committed an unnatural offence, which has been disproved to the satisfaction of a jury, and in which the wife herself does not believe, is not legal cruelty such as to entitle the husband to a decree for judicial separation.

Decision of the Court of Appeal, 64 Law J. Rep., P. D. & A. 105; L. R. (1895) P. 315, affirmed by the majority of the House (Lord Watson, Lord Herschell, Lord Macnaghten, Lord Shand and Lord Davey), the Lord Chancellor (Lord Halsbury), Lord Hobhouse, and Lord Chancellor of Ireland (Lord Ashbourne) and Lord Morris dissenting.

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COURT OF APPEAL.] [JULY 14.

HILL v. ROWLANDS.

*Mortgage—Foreclosure—Interest.*

A foreclosure decree had been made in a mortgagee's action, and the master had made his certificate in the usual form, finding the amount due for principal and interest up to the date of the certificate, and the amount of interest calculated up to the time fixed for redemption, six months from the date of the certificate.

The mortgagor applied that he might be allowed to redeem before the expiration of the six months upon payment of interest only up to the time of payment.

Held, affirming Romer, J., that