

BUILDING SOCIETY—MORTGAGE—REDEMPTION—ALTERATION OF RULES AFTER DATE OF MORTGAGE.

Rosenberg v. Northumberland Building Society, 22 Q.B.D. 373, was an action for redemption of a mortgaged estate, in which the dispute between the parties was as to the terms on which the plaintiff was entitled to redeem. The mortgage contained a covenant by the plaintiff to pay to the defendants all subscriptions, fines and other moneys, which, according to the rules for the time being of the society, should from time to time become due and payable by him in respect of the security or the shares by virtue of which the advance was made to him. And the proviso for redemption was in similar terms. The rules in force at the date of the mortgage did not render members borrowing from the society liable to contribute to the losses of the society. But the rules were subsequently altered imposing this liability. The question therefore, was, whether the plaintiff was bound by this alteration in the rules, and the Court of Appeal (Lord Esher, M.R., Bowen and Fry, L.JJ.) overruling Day, J., held that he was so bound.

NUISANCE—HEAP OF EARTH NEAR HIGHWAY—EVIDENCE.

Brown v. Eastern and Midlands Ry. Co., 22 Q.B.D. 391, was an action to recover against the defendants damages for negligence in allowing a heap of earth and refuse to remain on their premises near the highway, whereby the plaintiff's horse was frightened and upset the cart it was drawing, injuring the plaintiff thereby. At the trial the plaintiff tendered evidence of other horses having shied at the heap. Pollock, B., at the trial rejected the evidence and nonsuited the plaintiff, but the Divisional Court (Denman and Stephen, JJ.), set aside the non-suit and granted a new trial, holding if the heap was of such a nature as to be dangerous by causing horses passing on the highway to shy, it was a public nuisance, and that the evidence showed that the heap was likely to cause horses to shy, and was therefore admissible. This decision was affirmed by the Court of Appeal (Lord Esher, M.R., Bowen and Fry, L.JJ.)

None of the cases in the Probate Division call for any notice here.

LEGITIMACY—ILLEGITIMATE CHILD—SUBSEQUENT MARRIAGE OF PARENTS—LEGITIMATION OF CHILD—INTERVENING MARRIAGE OF FATHER WITH ANOTHER WOMAN—DOMICIL.

Proceeding now to the cases in the Chancery Division, *In re Grove, Vaucher v. The Solicitor of the Treasury*, 40 Chy. D. 216, is the first which calls for notice. The action was brought for the administration of the estate of Caroline E. Grove, a domiciled Englishwoman, who died on 29th Oct., 1866, at the age of 88, a lunatic and intestate, and possessed of considerable property. Two families claimed to be her next of kin, the Vaucher family and Falquet family, and both claimed through the grandfather of the intestate, Marc Thomegay, and the same woman, Martha Powis, under the following circumstances:—Marc Thomegay was born in Geneva, of Swiss parents, in 1712, his domicile of origin being Genevese. In 1728 he was received as a burgher of Geneva, and in 1729 his father died in Geneva. In 1734 Marc went to England and resided there until his death in 1779. Some time