

Eve, J., so held; but the Court of Appeal (Lord Cozens-Harvey, M.R., and Phillimore, and Warrington, L.JJ.) reversed his decision, holding that the estate claimed by the mortgagee was a present estate in fee simple, and none the less an estate in possession because it was subject to an occupation lease; that the mortgagee's right to bring an action first accrued immediately after the execution of the mortgage, and that, as more than twelve years had elapsed without payment or acknowledgment, the mortgagees were barred. They also held that, inasmuch as the object of a foreclosure action is not to obtain the payment of rent, but to deprive the mortgagor of his right to redeem, the fact that the mortgagee by bringing the action will not derive any immediate pecuniary benefit therefrom does not prevent the running of the statute: *Johnson v. Brock* (1907), 2 Ch. 533 (noted ante, vol. 44, p. 26), is approved by the Court of Appeal.

WILL—MISDESCRIPTION OF DEVISEE—EXTRINSIC EVIDENCE—
GIFT TO "ALL MY RELATIONS."

In re Ray, Cant v. Johnstone (1916) 1 Ch. 461. In this case a will was in question whereby the testatrix devised "No. 83 Cambridge Road to my great nephew Frederick Johnson." In an earlier part of the will she had given another house "to my great nephew Richard Johnson." As a matter of fact the testatrix had no relatives of the name of "Johnson" but had a niece "Elizabeth Johnstone," who had three sons Robert William Johnstone, Joseph Francombe Johnstone (known as "Frank"), and Richard Johnstone. The question Sargant, J., was called on to decide was whether or not parol evidence was admissible to shew that by "Frederick Johnson" the testatrix meant "Joseph Francombe Johnstone," and he held that it was, whereupon it was shewn by the person who drew the will that the testatrix had devised the house in question as being suitable for a barber's shop, and was intended for the great nephew who was a barber, and that Joseph Francombe Johnstone was the only great nephew who was a barber, whereupon Sargant, J., held that he was entitled. He also held that a gift of residue to "all my relations" meant a gift to the testatrix's next of kin at the time of her death.

GENERAL POWER OF APPOINTMENT—DONEE BRITISH SUBJECT
RESIDENT ABROAD—FRENCH WILL—GENERAL BEQUEST—EX-
ERCISE OF POWER—WILLS ACT 1837 (1 VICT. c. 26), ss. 1, 9, 10,
27—(R.S.O. c. 120, ss. 51 (e), 12, 13, 39)—WILLS ACT 1861
(24-25 VICT. c. 114), s. 1.

Re Simpson, Coutts v. Church Missionary Society (1916) 1 Ch.