

WILL—CONSTRUCTION—CAPITAL OF SHARES UNDISPOSED OF—SUPPLYING OMISSION BY IMPLICATION—"SURVIVORS OR SURVIVOR."

*In re Mears, Parker v. Mears* (1914) 1 Ch. 694. By the will in question in this case the testator bequeathed personal estate on trust to pay the income thereof to his three daughters for life and after the decease of any of them leaving issue to pay a third part of the capital of the trust fund to her children, and in the event of any of his daughters dying without issue, the survivor or survivors were to take her share of the income for life, and in case all of his daughters should die without leaving issue the capital of the trust fund was to be divided among his next of kin. What happened was that one daughter died leaving issue to whom one-third of the capital was paid, then the other two died without issue and it will be seen this contingency was not provided for. It was contended on behalf of the children of the daughter who left issue that the Court ought to hold that by implication the two-thirds of the capital were bequeathed to those children, but Eve. J., held that there was an intestacy as to the two-thirds.

DISCOVERY—PATENT—INFRINGEMENT—NAMES OF MANUFACTURERS OF INFRINGING ARTICLES.

*Osrarn Lamp Works v. Gabriel Lamp Co.* (1914) 1 Ch. 699. In this case which was an action for the infringement of the plaintiff's patent, the plaintiffs sought to obtain from the defendants, by way of discovery, information as to the persons to whom they had sold alleged infringements of the patent in question and of the persons by whom such alleged infringements were manufactured. The application was for a further and better answer to these interrogatories and was dismissed by Eve. J., who said, "It is legitimate to save labour and expense by means of interrogatories directed to obtain admissions of fact which the party interrogating must prove in order to establish his case; it is not legitimate where the admissions sought relate to facts which it is not incumbent on the interrogating party to prove, but which, if proved, may assist him in proving those facts on the proof which his right to relief depends."

PRACTICE—FOREIGN FIRM—SUING FOREIGN FIRM IN FIRM'S NAME—SERVICE OUT OF THE JURISDICTION—ORD. xlviii A. R. 1—(ONR. RULES 25, 100, 101.)

*Von Hellfeld v. Rechnitzer* (1914) 1 Ch. 748. In this case the plaintiff sued, among others, a French firm carrying on business