

RECENT ENGLISH DECISIONS.

and Brett, L.J., in the same case said, "You will have some difficulty in persuading me that if a poll is demanded a chairman can appoint it to be held there and then without notice to anybody not present." But Kay, J., was of opinion that the decision of Lord Denman in *Reg. v. D'Oyly* (12 Ad. & E. 139) was an express decision the other way that the chairman might direct the poll to be taken without any adjournment, and he so ruled.

PATENT—INFRINGEMENT—USER FOR EXPERIMENT.

The case of *United Telephone Co. v. Sharples* (29 Ch. D. 164) shows the hazards the experimental philosopher has to run in these days of advanced civilization. The defendant who carried on business as a chemist, electrician, or telegraph engineer, in the innocency of his heart imported certain apparatus from abroad; this apparatus was much less expensive than the plaintiff's patented apparatus, and was an infringement on it. In his letters to the foreign firm the defendant alleged that he was buying for the purpose of exportation abroad, and the learned judge found that such was the fact; but at the trial the defendant claimed that his letters did not disclose the true purpose of the purchase, but that he had really purchased the foreign apparatus for the instruction of his pupils and for the purposes of experiment, as the cost of them was so small he could afford to allow them to be pulled to pieces. But Kay, J., held that whether the defendant had purchased the infringements for the purpose of exportation, or for the purpose of experiment, as alleged, in either case there was a violation of the plaintiffs' right under their patent, and a perpetual injunction was granted.

MARRIED WOMEN'S PROPERTY ACT, 1882 (45 AND 46 VICT. C. 75.)

In re Thompson v. Curzon (29 Ch. D. 177) was an application under the Vendors and Purchasers Act, and is a decision of Kay, J., in which he came to a similar con-

clusion as to the effect of the English Married Women's Property Act, 1882, to that arrived at by Ferguson, J., recently in *Re Coulter*, ante p. 198, as to the effect of our own Married Women's Property Act, viz., that property which a married woman becomes entitled to as her separate property under the Act of 1882, she is entitled to dispose of without her husband's concurrence. In this case, under the will of a testator who died in 1875, a lady became entitled to a reversionary interest in real estate; she married in 1878, and the estate vested in possession in 1884, and it was held that the estate was separate property under the Act following *Boynton v. Collins* (27 Ch. D. 604). From a note appended to the report, however, it appears that notice of appeal was given by the purchaser, and that thereupon the married woman and her husband by deed acknowledged conveyed her share.

VOLUNTARY SETTLEMENT—RECTIFICATION—REVOCATION.

The rectification of a voluntary settlement came up in *James v. Couchman* (29 Ch. D. 212.) The settlor had settled property in trust for the settlor for life, remainder to any wife he might marry for life, remainder to his issue, and in default or failure of issue, in trust for his paternal next of kin. And it was held by North, J., though the settlement was proper to be made, and though the settlor understood its terms, yet as his attention was not drawn to the fact that he might have had a power of disposition over the property in default or failure of issue, such a power ought to be given, and the settlement was rectified accordingly.

RENEWABLE LEASEHOLD—PURCHASE OF REVERSION BY MORTGAGOR.

The case of *Newman v. Burnett* (29 Ch. D. 231) is an important decision on the law of mortgage. One Newman being the owner of the equity of redemption of certain leasehold property as assignee of the mortgagor, applied to the owners