

stances: A testator gave a share of his estate to trustees upon trust to pay the income to his son for life, but directed that any income for the time being payable to him "shall only be paid to him so long as he shall not attempt to assign or charge the same." The son by deed purported to assign his life interest by way of mortgage to secure money lent. At the date of the mortgage the trustees had in their hands £356, representing income previously accrued to which the son was entitled, and received by them before that date; they subsequently received £393 of which, if apportioned, £254 would represent the part attributable to the period prior to the date of the mortgage. The mortgagee claimed that the Apportionment Act applied, and that he was entitled to the £254 as well as the £356. Sargant, J., however, held that the Apportionment Act did not apply, and though the mortgagee was entitled to the £356, he was not entitled to the £254, as, in his opinion, the effect of the clause in the will above referred to was to prevent the destination of the income being finally determined until it had actually become payable to the tenant for life.

ALIEN ENEMY—RIGHT OF ALIEN ENEMY TO SUE—RESIDENCE IN UNITED KINGDOM—REGISTRATION—ALIENS' RESTRICTION ACT, 1914 (4-5 GEO. V. C. 12)—ALIEN'S RESTRICTION ORDER, 1914.

*Thurn v. Moffitt* (1915) 1 Ch. 58. The plaintiff in this case was an alien enemy registered under the Alien's Restriction Act, 1914, and Aliens' Restriction Order, 1914. The action was for an injunction to restrain the publication of alleged libels against the plaintiff. The husband of the plaintiff was an alien enemy resident out of the United Kingdom. The defendant moved to stay the proceedings, on the ground that the plaintiff had no greater rights than her husband. But Sargant, J., held that as the claim of the plaintiff was one peculiar to herself individually, and as she had been duly registered, she was entitled to prosecute the action, and the application was therefore refused with costs.

ERRATUM.

P. 101, 1st par., 6th line from bottom, for "plaintiff's grandfather" read "plaintiff."