

DIGEST OF ENGLISH LAW REPORTS.

LEASE.—See LANDLORD AND TENANT, 2; MORTMAIN, 2; WATERCOURSE.

LEGACY.

1. A testatrix by will appointed her real and personal estate to trustees on trust to sell part, and hold the proceeds and all the trust moneys and personal estate on trust to pay the legacies thereinafter given; and after payment thereof, to pay an annuity to P. for life, unless he should become entitled to the legacy thereinafter mentioned, and subject thereto in trust for H. for life, and after her death in trust for her children, and if no children, in trust, to sell the estates not already sold, and out of the proceeds to pay to P., his executors, administrators and assigns, the sum of £20,000 in lieu of the annuity, and hold the residue in trust for the children of G. P. died before H., and on H.'s death the real estate then remaining unsold was insufficient to raise £20,000. *Held* (1), that the legacy was payable to P.'s representative; (2) that it was a demonstrative legacy, and payable out of the general estate.—*Hodges v. Grant*, Law Rep. 4 Eq. 140.

2. Testator, after giving several sevenths of his personal estate to his living brothers and sisters "and their heirs and assigns" respectively, gave another seventh "to the heirs and assigns of my late sister D., now deceased." *Held*, that the persons entitled to this last seventh were the statutory next of kin of D. at her death.—*Newton's Trusts*, Law Rep. 4 Eq. 171.

See DEVISE, 2; MORTMAIN; TRUST, 1; WILL, 3, 4.

LIBEL.—See SLANDER.

LICENSE.—See CUSTOM.

MARRIAGE.

In Scotland, a connection commencing in adultery may become, on the parties becoming at liberty to marry, matrimonial by consent, and habit and repute are evidence of such consent.—*The Breadalbane Case*, Law Rep. 1 H. L. Sc. 182.

See FORFEITURE.

MARRIED WOMAN.—See HUSBAND AND WIFE.

MARSHALLING OF ASSETS.—See PRIORITY, 3.

MASTER.—See PRIORITY, 3.

MASTER AND SERVANT.—See PRINCIPAL AND AGENT.

MISREPRESENTATION. — See CONTRACT, 2; DIRECTORS, 1; INSURANCE, 3, 4.

MORTGAGE.—See PRIORITY, 2.

MORTMAIN.

1. A legacy charged on land, while unpaid, is within the Statute of Mortmain, and cannot

be bequeathed by the legatee to a charity.—*Brook v. Badley*, Law Rep. 4 Eq. 106.

2. A. demised the minerals under certain lands in consideration of a surface rent and of a fixed sum, payable in half-yearly instalments till the whole was paid, with powers of distress and re-entry in default of payment. At A.'s death one instalment was due and unpaid. *Held*, that it was in the nature of rent, and not of unpaid purchase money, and could therefore be bequeathed by A. to a charity.—*Ib.*

NEGLIGENCE.—See COLLISION, 2.

NOTICE.—See PRIORITY, 1.

NUISANCE.—See HIGHWAY, 2.

PARTIES.—See EQUITY PLEADING AND PRACTICE, 1.

PARTNERSHIP.

1. B., a banker, formed a partnership with M. and P., merchants, under the firm of M. & Co.; and by the partnership deed B. and M. mutually covenanted to bring £3,500 each into the business. There was a subsidiary agreement that B. should accept bills for the firm at a commission, and that the firm should negotiate them and keep B. in funds to meet the acceptances. B., M. and P. all became insolvent. M., on behalf of M. & Co., claimed to prove against B.'s estate for £5,000 due to the firm on their current account, and for £2,700 due to M. on the covenant in the deed for capital not brought in by B. *Held* (1) that the dealing between B. and M. & Co., was not such a separate trade as to allow the firm to prove against a partner's estate, and that the fact that all the partners were insolvent, and therefore had no personal interest, made no difference; (2) that the sum due on the covenant being due on account of the partnership, could not be proved by one partner against the estate of another, at least till the taking of the partnership accounts.—*Ex parte Maude*, Law Rep. 2 Ch. 550.

2. When one partner allows the other *bona fide* to carry on the business ostensibly as his own, on the bankruptcy of the latter, the dormant partner's share in the partnership stock in trade does not pass to the bankrupt's assignees, as in the possession, order or disposition of the bankrupt, as reputed owner, with consent of the true owner (Exch. Ch.).—*Reynolds v. Bouley*, Law Rep. 2 Q. B. 474.

See STAMP, 2.

PATENT.

1. If the utility of a patent has not been tested by actual employment during fourteen years, a very strong presumption is raised against its utility, which can only be rebutted