

specific, yet in the case of a deficiency of assets it must abate as if it were a general legacy.

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

*Osram Lamp Works v. Gabriel Lamp Co.* (1914) 2 Ch. 129. This was an appeal from the decision of Eve, J., (1914) 1 Ch. 699. (Noted ante p. 391). The action was to restrain the infringement of a patent for an invention. The plaintiffs claimed to examine the defendants for discovery as to whether a particular set of 150 incandescent electric lamps were manufactured wholly, or in part, by a specified Paris firm, or by what other person or firms. The defendants admitted selling the lamps to an English firm, but stated that none of the lamps were manufactured by the defendants. They objected to answer whether they were manufactured by the Paris firm, or by whom otherwise. The avowed object of the plaintiffs in seeking the information was to enable them to ascertain the sources from which the lamps in question were obtained, and to enable them to identify and establish the process of manufacture employed in their production. Eve, J., held that the defendants were not bound to answer the questions objected to as not being relevant to the issue, but the Court of Appeal (Cozens-Hardy, M.R., and Buckley, L.J., and Channell, J.) have reversed his decision, holding that the leading case of *Marriott v. Chamberlain*, 17 Q.B.D. 154, was conclusive as to the plaintiffs' right to interrogate, not merely as to facts directly in issue, but also as to facts, the existence or non-existence of which is relevant to the facts directly in issue.

SETTLED ESTATE—PERSONS BENEFICIALLY ENTITLED TO INCOME OF SETTLED ESTATE—TENANT FOR LIFE—SETTLED LAND ACT 1882 (45-46 VICT. c. 38), s. 2(5); s. 58 (1 v. ix).—(R.S.O. c. 74, s. 33 (1, a, i).)

*In re Johnson, Johnson v. Johnson* (1914) 2 Ch. 134. Under a settlement certain persons were entitled to the income arising from the real estate settled until the death of the last survivor of them; one of them was dead and her executor was entitled to her share. Warrington, J., held that these persons, with the executor, were together persons having the powers of a tenant for life, within the meaning of the Settled Land Act, 1882, s. 58, (1, ix)—See R.S.O. c. 74, s. 33 (1), (a), (i).