

had the trustees, in fact, possessed the power of sale, and as it also appeared that the plaintiff had notice of the intended sale, and, though she objected to it, took no steps to prevent its being carried out; under these circumstances, the Court of Appeal (Lindley, M.R., and Rigby and Romer, L.JJ.) agreed with Kekewich, J., that the statute applied, and the trustees were entitled to be relieved from personal liability for the breach of trust.

**PATENT—INFRINGEMENT—REPAIR, OR RECONSTRUCTION, OF PATENTED ARTICLE
—ARTICLE MANUFACTURED AT REQUEST OF PATENTEE'S AGENT.**

Dunlop Pneumatic Tyre Co. v. Neal (1899) 1 Ch. 807, was an action to restrain the infringement of the plaintiff's patent for pneumatic tyres for bicycles, which consisted of a rubber or elastic tyre lined with canvas, in combination with two wires for securing the same to the rims of the wheels. The defendant, at the request of an agent of the plaintiff's company, placed over the old wires of one of the plaintiff company's tyres a new canvas cover and a new rubber tyre. The agent had been sent by the plaintiff company to find out whether the defendant was infringing their patent, but there was no evidence that the agent was authorized by the plaintiff company to request the defendant to do what he did. North, J., was of opinion that what the defendant had done went beyond fair repair of the tyre, and amounted to its reconstruction, and that he had therefore infringed the plaintiff's patent, and that the plaintiffs were not estopped by the act of their agent in complaining of the infringement. On this point he distinguished the case from *Kelly v. Batchelor* (1893) 10 Rep. Pat. Cas. 289, where the plaintiffs had authorized their agent to direct the defendant to construct an article infringing their patent. He also held that although only an act of infringement was proved, and though there was no evidence of any threat by the defendant to infringe again, yet what he had done for the plaintiff's agent it might be assumed he would do for any other applicant and, consequently, the plaintiffs were entitled to an injunction restraining any further infringement by the defendant.

**SETTLEMENT—VALIDITY—ILLEGAL CONSIDERATION—MARRIAGE WITH DECEASED
WIFE'S SISTER.**

In *Phillips v. Probyn* (1899) 1 Ch. 811, the validity of a marriage settlement made in contemplation of the marriage of the