

then proceeded to make specific gifts of certain chattels such as books, plate, furniture, etc. After death the testatrix was entitled to certain reversionary interests in personal estate which did not fall into possession until 1897, and the question to be determined was whether these interests passed under the bequest to Penton. It was claimed that they could not pass as 'money,' and that there was an intestacy as to this property. Sterling, J., was of opinion that 'money' remaining after payment of debts and funeral and testamentary expenses, means the general residuary personal estate of the testator, and as such included the reversionary interests, and that the words 'in my possession' were not to be construed in a strict legal sense as distinguishing property in actual possession from that held in reversion, and that Penton therefore was entitled to such reversionary interests under the bequest in his favour.

INJUNCTION—RESTRAINING IMITATION OF PLAINTIFF'S TRADE MARK—MISREPRESENTATION BY PLAINTIFF.

In *Sen Sen Co. v. Britten* (1899) 1 Ch. 692, the plaintiff company applied for an injunction to restrain the defendant from selling their goods in packages resembling those of the plaintiff company, and the point was raised by the defendants whether the use of the words "Sen Sen trade mark" on the plaintiffs' goods was not such a misrepresentation as disentitled them to any relief, because, although the words "Sen Sen" had been registered as a trade mark in America, they had not been so registered in England, and it was contended that to describe these as a trade mark was a representation that they had been so registered, and was an offence under the Patents Designs and Trade Marks Act 1883, s. 105. Sterling, J., however, refused to give effect to this construction, being of opinion that the words "trade mark" do not necessarily mean that it is a registered trade mark, because the right to a trade mark may be acquired by user without registration, and that registration was only necessary in order to entitle the owner to sue to restrain its infringement, and the offence provided for by the Act is not affixing a trade mark, but describing a trade mark so affixed as registered when in fact it is not. He therefore held on the preliminary point that the use of the words 'trade mark' did not *per se* amount to any representation of registration, and that the plaintiffs were not on that account debarred from making the application for an injunction.