

I. was in New Zealand, and J. had died. *Held*, by Fry, J., that the other executors were not necessary parties, and that B. could recover. On appeal, the point as to parties was waived. *Held*, that B. could recover.—*Wilson v. Rhodes*, 8 Ch. D. 777.

Waste.—Where the owner of a farm, on which he had previously opened and worked a quarry, leased it, in 1802, for five hundred years, at a peppercorn rent, to secure a mortgage loan, by a lease containing no power to open mines or quarries or to commit waste, and afterwards opened and worked another quarry; and then, in 1811, granted a lease of the mines and quarries for twenty-one years; and, in 1820, the mortgagee under the demise for five hundred years took possession; and, in 1872, the reversioner on that term first learned that he had rights in the property, and, in 1873, brought suit to enjoin the further working of the quarries, and for an account, *held*, that there was no right to open and work quarries without the authority of the reversioner; but that the evidence showed that such authority had been given by acquiescence, and the quarries could be worked to the end of the five hundred years.—*Elias v. Griffith*, 8 Ch. D. 521.

Will.—1. J., by his last will, said: "I give and bequeath unto my wife.... all my household goods and furniture and implements of household, farming-stock, cattle, growing crops, and other my effects in and about the house and upon the farm and lands in my occupation;.... and also all my ready money and money out at interest, and.... mortgages, bonds, bills, book debts, &c., and all other my personal estate, property, chattels, and effects whatsoever and wheresoever, to which I am now seized, possessed, or entitled to, or may hereafter acquire and can hereby dispose of, to hold the same unto my said wife,.... her executors, administrators, and assigns,.... absolutely, and I do hereby devise all real estate".... held on mortgage to her;.... "but the money secured on such mortgages shall be considered as" personal estate. "I also devise" to her "all.... estates.... vested in me upon any trust." The testator left estates in fee. *Held*, that these did not pass by the will.—*Jones v. Robinson*, 3 C. P. D. 344.

2. A gift of all a testator's property to his wife, "absolutely, with full power for her to

dispose of the same as she may think fit for the benefit of my family, having full confidence that she will do so," *held*, to be an absolute gift to the wife, free from any trust.—*Lambe v. Eames* (L. R. 6 Ch. 597) followed; *Cormick v. Tucker* (L. R. 17 Eq. 320) and *Le Marchant v. Le Marchant* (L. R. 18 Eq. 414) impugned.—*In re Hutchinson*, 8 Ch. D. 540.

3. S. made a legacy to A. and one to B., and then said: "Lastly, I give my sheep, and all the rest, residue, moneys, chattels, and all other my effects, to be equally divided among my brothers," naming them. He appointed his brothers executors. He left real estate. *Held*, that it passed to his brothers under this clause.—*Smyth v. Smyth*, 8 Ch. D. 561.

GENERAL NOTES.

—The oldest of the English judges is Sir Fitzroy Kelly, who is 83 years; the youngest, Lord Thesiger, who is 41. The oldest Irish judge, is Judge O'Brien, who is 73; the youngest, the Right Hon. Gerald Fitzgibbon, who is 45.

LIMITATION OF LIABILITY.—The *Saturday Review* summarizes as follows the provisions of a bill introduced in the Imperial Parliament to enable unlimited banks to limit their liability:—"An unlimited bank will be able to register itself as a limited bank, and it may, of course, choose any kind of limitation it pleases. It may have half or a third only of its capital paid up, and then, in case of liquidation, the uncalled capital will be payable for the benefit of creditors. But unlimited banks that seek to limit their liability will, under the Bill, have another course open to them. They will be able to register as banks with reserved liability or limited by reserve. In case of disaster, the shareholders will be liable not only for the amount of their shares, but for a further sum, which is always to be a multiple of the amount of each share they hold. Every bank may choose what this multiple shall be. Some banks will choose to multiply by one, and then the reserve liability will be equal to the amount of the share. Others will multiply by two, and then the reserve will be equal to twice the amount of the share."