

**THE LAW JOURNAL NOTES OF  
CASES DECIDED IN ALL THE  
SUPERIOR COURTS OF LAW  
AND EQUITY. VOL. XVIII.-1883**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649460618

The Law Journal Notes of Cases Decided in All the Superior Courts of Law and Equity. Vol. XVIII.-1883 by Various

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**VARIOUS**

**THE LAW JOURNAL NOTES OF  
CASES DECIDED IN ALL THE  
SUPERIOR COURTS OF LAW  
AND EQUITY. VOL. XVIII.-1883**



THE LAW JOURNAL.]  
Jan. 12, 1884.

121  
9/12/84

# THE LAW JOURNAL

## NOTES OF CASES

DECIDED IN ALL THE

SUPERIOR COURTS OF LAW AND EQUITY.

HILARY TERM 1883 TO HILARY TERM 1884.

PUBLISHED WEEKLY DURING THE SITTINGS OF THE COURTS.

[For the Names of the Barristers contributing the Notes see page 1.]

VOL. XVIII.—1883.

LONDON:

PUBLISHED BY

F. E. STREETEN, AT THE OFFICE, 5 QUALITY COURT, CHANCERY LANE.

## TABLE OF CASES.

VOL. XVIII.—1883.

	PAGE		PAGE		PAGE
ASKATE v. NORTH-EAST RAILWAY Co.	60	Birmingham Brewery, Malting, and Distillery Co., <i>in re</i>	11	Capell v. Great Western Railway Co.	46
Adams, <i>re</i>	100	Birt, <i>in re</i> . Birt v. Birt	14	Carey, <i>in re</i> . Regina v. Nash	22
Alexandra Palace Co., <i>in re—ex parte</i> Goodson	30	Blackburn, &c., Benefit Building Society, <i>in re</i>	93	Caroli v. Hirst	82
Alexandria Waterworks Co. (Lim.) v. Mungrave	58	Blaiberg, <i>ex parte—in re</i> Toomer	37	Carpenters' Co., <i>ex parte—</i> in the matter of Great Eastern Railway Act, 1882	133
Alfreton's Trust Estates, <i>in re</i>	65	Boddington, <i>in re</i> . Boddington v. Boddington	11	Carriage Co-operative Supply Association, <i>in re—ex parte</i> Clements	19
Alliance Society, <i>in re</i>	91	Booker & Co. (Lim.), <i>re</i> . West of England Bank v. Murch	26	Carter v. Drysdale and Others	136
Amesbury Union v. Wilts Justices	49	Booth v. Trail. Mayor, &c., of Sunderland	123	— v. White	137
Angus v. M'Lachlan	31	Boswell v. Conks	34	Caruncho v. Highmoor	15
Anon	139	Bown, <i>in re</i> . O'Halloran v. King	106	Cassaboglou v. Gibb, Livingston, & Co.	74
Arcebeckne, <i>in re</i> . Atkins v. Arcebeckne	67	Boyd v. Allen	39	Castellan v. Preston and Others	84
Armitage, <i>re</i> . Smith v. Armitage	108	Boyer v. Bancroft	54	Chamberlain v. Boyd	28
Armour v. Walker	141	Bradbury v. Cooper	115	Charles v. Finchley Local Board	71
Arnal, <i>ex parte—in re</i> Wilton	69	Bradburn v. Clarke	46	Charlton v. Charlton	7
Attorney-General v. Dardier	50	Brandram, <i>re</i>	138	— v. —	104
— v. Vestry of Barmoudesey	18	Brandroth v. Shears	71	Chartered Mercantile Bank of India, London, and China v. Netherlands India Steam Navigation Co. (Lim.)	5
Audros, <i>in re</i> . Audros v. Audros	103	Bratt's Trusts, <i>in re</i>	49	Churchwardens, &c., of West Ham v. Iles	61
BADISCHE ANILIN UND SODA FABRIK v. LEVINSKIN	92	Briggs v. Swanwick	56	Clark and Others v. Wallond	35
Bagster, <i>ex parte—in re</i> Bagster	98	Brown, <i>in re</i> . Ward v. Morse	23	Cleather v. Twisden	103
Balfour v. Cooper	53	— v. Burdett	54	Cockroft, <i>in re</i> . Broadbent v. Groves	102
Ballard v. Tomlinson	71	— v. Collins	79	Cole v. Great Yarmouth Steam Tug Co. (Lim.)	12
Barrington v. Hamshaw	108	Brunsden v. Hamphrys	96	Collins v. Stinson	70
Barrs Haden's Settled Estates, <i>in re</i>	129	Buckley's Settlement, <i>in re</i>	10	Columbia Chemical Factory Manure and Phosphate Works (Lim.), <i>in re</i>	3
Barton & Co. v. English & Co.	44	Bullmore, <i>in re</i> . Bullmore v. Wynter	24	Sir W. Brett's case. Hewett's case	133
Basham, <i>in re</i> . Hannay v. Basham	12	Bulmer v. Bulmer	144	Compagnie du Senegal v. Wood	119
Bock's Settled Estates, <i>re</i>	106	Burton v. English	143	Coomber v. Justices of Berks	129
Beer v. Toskes	90	Butcher v. Pooler	96	Cooper v. Metropolitan Board of Works	7
Bell, <i>in re</i> . Carter v. Stadden	146	Byron's Charity, <i>in re</i>	48		125
Bellamy, <i>in re</i>	89	CADOGAN, <i>in re</i> . CADOGAN v. PALAGI	114		
— <i>in re</i> . Elder v. Pearson	147	Caino, <i>ex parte</i>	28		
Benecher v. Coley	51	Caledonian Railway Co. v. Solway Junction Railway	119		
Bianca	52	Calton's Will, <i>re</i>	121		
Birch v. Mather	8	Campen Charity, Kensington, <i>in re</i>	55		
Birkbeck Freehold Land Society, <i>re</i>	82				

	PAGE		PAGE		PAGE
Cooper and Another v. Prichard . . .	74	Fraser & Co., <i>in re</i> . . .	124	Hawthorne, <i>in re</i> . Graham v. Massey . . .	66
Coors, <i>in re</i> . . .	114	— v. Cooper Hall & Co. . .	76	Haygarth's Settlement Trusts, <i>re</i> . . .	6
Cooto v. Judd . . .	18	— v. Mason and Another . . .	91	Heints, <i>re</i> — <i>ex parte</i> Heintz . . .	139
Coppin's Estate, <i>in re</i> . . .	43	Freeman v. Newman . . .	128	Helder, <i>ex parte</i> — <i>in re</i> Lewis . . .	105
Corrie v. Allen . . .	23	Freston, W. A. <i>re</i> . . .	64	Hemmings v. Williamson . . .	62
Corsellis, <i>in re</i> . Lawton v. Elwes . . .	31	Fuller v. Alford . . .	36	Henry and Others v. Armitage . . .	118
Cory and Sons v. Barr . . .	61			Heeke v. Sammelson & Co. . .	123
Cowdell, <i>in re</i> . . .	14			Hewitt, J. <i>in re</i> . Mayor of Gateshead v. Hudspeth . . .	54
Credit Co., <i>ex parte</i> — <i>in re</i> M'Henry . . .	109	GADD, <i>in re</i> . EASTWOOD v. CLARK . . .	29	Hilcock v. Darlow . . .	14
Cresswell, <i>in re</i> . Parkin v. Cresswell . . .	99	Gale, <i>re</i> . Blake v. Gale . . .	14	Hilbert v. Parkinson . . .	121
Cuddeford v. Smith . . .	114	Gard v. Commissioners of Sewers for the City of London . . .	107	Hill, <i>ex parte</i> — <i>in re</i> Bird . . .	75
Cunningham, R. N. & Co., <i>in re</i> . . .	126	Garnett-Orme and Hargreaves, <i>re</i> . . .	133	Hollender, <i>ex parte</i> — <i>in re</i> Cox . . .	130
		General Credit and Discount Company v. Glagg . . .	22	Holmes, <i>re</i> . Wright v. Weatherhead . . .	81
DANIEL F. FORD . . .	22	Ghost's Trusts, <i>in re</i> . . .	79	Hone's Trusts, <i>in re</i> . . .	8
Darbyshire, <i>re</i> — <i>ex parte</i> Hill . . .	116	Gibby v. Jeffries . . .	74	Hopkins, <i>re</i> . Williams v. Hopkins . . .	38
Davenport v. King . . .	94	Gloug and Miller's Contract, <i>in re</i> . . .	48	Horsfall v. Halifax Banking Co. . .	43
Davey v. London and South-Western Railway Co. . .	131	Godfrey, <i>in re</i> . Godfrey v. Faulkner . . .	75	Horsley v. Price & Co. . .	84
Davies to Jones and Evans, <i>in re</i> . . .	98	Godfrey's Trusts, <i>in re</i> . . .	32	Howitt v. Nottingham and District Tramways Co. (Lim.) . . .	123
— v. Davies . . .	23	Goldsmid v. Great Eastern Railway Co. . .	7	Hoyle and Silkstone Colliery Co. (Lim.), <i>in re</i> . . .	147
Davis v. Hurton (Blairberg, claimant) . . .	90	Goodhart v. Hyett . . .	122	Hoynes v. Kelly . . .	143
Day's Trusts, <i>re</i> . Paget v. Claggett . . .	111	Gough, <i>re</i> . . .	47	Hudson, <i>ex parte</i> — <i>in re</i> Walton . . .	13
Defries, <i>re</i> . Nordon v. Levy . . .	63	Gould v. Tripp . . .	60	Hughes v. Percival . . .	73
De Montbrun v. Hirsch . . .	12	Grant, <i>re</i> . Walker v. Martineau . . .	33	Hughes Hallett v. Indian Mammoth Gold Mines (Lim.) . . .	2
Dunham & Co., <i>in re</i> . . .	134	— v. Easton . . .	142	Hutton v. West Cork Railway Co. . .	42
De Rozas, <i>re</i> . Rymar v. De Rozas . . .	108	Great Eastern Railway Co. v. Hackney District Board of Works . . .	77	— v. — . . .	74
Devala Provident Gold Mining Co. (Lim.), <i>in re</i> . . .	11	Great Western Railway Co. v. Halsesowan Railway Co. . .	63		
Dobbs v. Grand Junction Waterworks Co. . .	129	Great Wheel Polgooth Mining Co. (Lim.), <i>in re</i> . . .	79	ILLIDGE, <i>re</i> . DAVIDSON v. ILLIDGE . . .	108
Donnell v. Bennett . . .	19	Greaves's Settlement, <i>in re</i> . . .	48	Isle of Wight Railway Co. v. Tabourdin . . .	145
Dormont v. Farness Railway Co. . .	51	Green v. Duckett . . .	65	Izard, <i>ex parte</i> — <i>in re</i> Bushall . . .	33
Doughty v. Fibbank . . .	44	— v. Humphreys . . .	55	— <i>ex parte</i> — <i>in re</i> Chapple . . .	63
Droit v. Overseers of Christchurch . . .	128	Greene v. Foster . . .	7		
Duck v. Bates . . .	123	Greenway v. Batchelor, Aldridge's case . . .	127	JACKSON v. TRAS . . .	71
Duke of Newcastle's Settled Estates, <i>in re</i> . . .	80	— v. —. Jacob's case . . .	127	Jagger v. Jagger . . .	126
— . . .	85	Grey v. Young . . .	98	Jakeman's Trusts, <i>in re</i> . . .	23
Duke of Rutland's Settlement, <i>in re</i> . . .	99	Grey's Brewery Co. (Lim.), <i>in re</i> . . .	134	Jesse v. Lloyd . . .	87
Dunford v. M'Anulty . . .	77	Griffith, <i>ex parte</i> — <i>in re</i> Wilcoxon . . .	22	Johnson, <i>ex parte</i> — <i>in re</i> Johnson . . .	119
Dunn v. Floods . . .	127	Griffith, Jones & Co. <i>in re</i> . . .	142	Johnson & Co. v. Hogg & Co. . .	58
Dutton v. Thompson . . .	33	Guthrie v. Walrod . . .	10	Joliffe v. Baker . . .	95
				Jones, J. P. L. (an infant), <i>in re</i> . . .	16
EARL CANDOR v. LEANLEY LOCAL BOARD OF HEALTH . . .	43			Jones, R. C. Settled Estates, <i>re</i> . . .	79
Earl of Chesterfield's Trusts, <i>in re</i> . . .	84	HACK v. LONDON PROVIDENT BUILDING SOCIETY . . .	12	Justices of Lancashire v. Mayor, &c., of Rochdale . . .	57
Earle, <i>re</i> . . .	96	— . . .	25		
Ellick v. Cox . . .	147	Haight and Others v. Royal Mail Steam Packet Co. (Lim.) . . .	109	KALTENBACH v. LEWIS . . .	77
Elliott, <i>in re</i> . Elliott v. Smith . . .	3	Hall, <i>ex parte</i> — <i>in re</i> Wood . . .	73	Kearsley v. Phillips and Others . . .	25
Edalle v. Payne . . .	133	—, <i>in re</i> . Hall v. Hall . . .	16	— v. — . . .	91
Evans, <i>ex parte</i> — <i>in re</i> Evans . . .	131	— v. Brand . . .	116	Kirwan's Trusts, <i>re</i> . . .	110
— v. Evans . . .	55	Hamilton v. Thomas . . .	23	Knight, <i>re</i> . Knight v. Gardner . . .	106
Eyre, <i>in re</i> . Eyre v. Eyre . . .	107	Hanbury, <i>re</i> . . .	83	— . . .	138
		Hankey v. Martin . . .	107	Knight's Trusts, <i>re</i> . . .	148
FAIRBAIRN v. LACY . . .	135	Hannings v. Wilkinson . . .	56	Knowles, <i>in re</i> . Dodson v. Turner . . .	35
Fearnside v. Flint . . .	7	Hardwick, <i>re</i> . . .	137	Knox v. Wells . . .	47
Fenton v. Harrison and Others . . .	69	Harrauld, <i>re</i> . Wilde v. Walford . . .	30		
Fewings, <i>ex parte</i> — <i>in re</i> Sneyd . . .	131	Harrison v. Lentner . . .	84	LACEY & SONS, <i>in re</i> . . .	142
Financial Corporation (Lim.), <i>in re</i> . . .	15	Hart, <i>in re</i> . Orford v. Hart . . .	111	Ladd v. Puleston. Puleston v. Ladd . . .	48
Follett v. Pettman . . .	35	Harvey v. Municipal Permanent Investment Building Society . . .	24	— . . .	91
Fore Street Warehouse Co. (Lim.) v. Durrant & Co. . .	40	— v. Croydon Union Rural Sanitary Authority . . .	148	Lancaster, <i>ex parte</i> — <i>in re</i> Marsden . . .	147
Foster, <i>ex parte</i> — <i>in re</i> Foster . . .	21	Hauxwell, <i>ex parte</i> — <i>in re</i> Hemingway . . .	70	Law Society v. Waterloo Brothers & Layton. Same v. Skinner . . .	61
France v. Clarke . . .	15	Hawes v. Draeger . . .	39	Leaman's Trusts, <i>in re</i> . . .	15
Frank Mills Mining Company, <i>in re</i> . . .	9				

	PAGE		PAGE		PAGE
Lenders v. Anderson	136	NADIN v. BARRETT	113	Robinson v. Local Board for Barton, &c.	89
Lesingham's Trusts, re	112	Nelson v. Pastorino	135	Rolls v. Miller	135
Leslie, re. Leslie v. French	59	New River Co. v. Ware Union Rural Sanitary Authority	50	Romford Canal Co., in re. Pocock and Trickett's Claims	82
Lett v. Randall	92	Newton and Others v. Justices of West Riding of Yorkshire	84	Rose v. Rose	38
Lingard-Monke v. Jenkins	19	Nicholls, ex parte—in re Jones	18	Rosenberg v. Lindo	50
Livesey, in re. Baron v. Aspden	86	Nicholson, ex parte—Quinn	139	Russell, ex parte—in re Robins	18
Llewellyn, re. Lane v. Lane	112	—— v. Smith	3		
London Steamboat Company, in re	92	Norris, in re	27	ST. JOHN BAPTIST COLLEGE, OXFORD, ex parte—re METROPOLITAN AND DISTRICT RAILWAYS (CITY LINES AND EXTENSIONS) Act, 1879	2
Lord Salisbury v. Grosville-Nagant	142	—— v. Ormond	47	St. Paul's Schools, Finsbury, in re	27
Lovell v. Wallis	147			Saling, ex parte—in re Stratton	145
Loving, ex parte—in re Murrell	90			Sanders Brothers v. Maclean & Co.	63
Luddy, in re. Peard v. Morton	133			Sands v. Thompson	19
Lybbe v. Hart	126			—— v. Williams	110
Lydney and Wipool Iron Ore Co. (Lim.) v. Bird	55	ORDE, in re	90	Saunders, ex parte	84
Lyall v. Kennedy	41	Osborne v. Jackson and Todd	64	——, in re. Masters v. Sanders	87
				Sawyer v. Sawyer	129
M'EWAN v. CROMBIE. PORTER v. GRANT	122	PALMER v. JOHNSON	144	—— v. Webb	134
M'Gowan and Another v. Middleton	46	Paton and Edmiston Guardians, in re	76	Scarlett v. Hanson	143
M'Henry, ex parte—in re M'Henry	97	Penrice v. Williams	32	Sear v. Bell	102
Macdonald's Trusts, re	80	Perks v. Gillott	134	Sarjenison v. Beloe	85
Macleod v. Jones	102	Peshawar	16	Shapcott v. Chappell	144
Maddison v. Alderson	73	Phillips v. Homfray	27	Shaw v. Simmonds	149
Madeley Union v. Bridgnorth Union	62	—— v. Homfray v. Phillips	93	Sheffield Waterworks Co. v. Bingham	59
Madgwick, re—ex parte Didcot Railway Co.	138	Phippen, ex parte—in re Phippen	57	Shelley v. Bethel	127
Madstone and Ashford Railway Co., in re. In re Bela and Festiniog Railway Co.	134	Photographic Artists Co-operative Supply Association (Lim.), in re	45	Simmons v. Berry	39
Manchester, Sheffield, and Lincolnshire Railway Co. v. Brown	101	Pickering v. Pickering	117	Singer Manufacturing Co. v. Loog	17
Manuel v. Norton	10	Pink, in re	69	Smalley v. Smalley	134
Manser, re	68	Finnock v. Bailey	78	Smith, re. Green v. Smith	13
Mansel Coal Co., in re	34	Ponsonby v. Hartley	11	—— v. Stott	26
March's, F. E., Estate, in re	82	—— v. ——	29	—— v. Duke of Manchester	110
Mander v. Harris	82	Potteries, Shrewsbury, and North Wales Railway Co., in re	130	—— v. Land and House Property Co. (Lim.)	108
Marsh v. Earl Granville	85	Pontney v. Clayton	59	Smyth Pigott v. Smyth Pigott	26
Martin & Co. v. Fyfe & Co.	84	Proatney and Others v. Mayor and Corporation of Colchester	81	Sneyd, re—ex parte Bishop of Oxford	67
—— v. Assessment Committee of West Derby Union	41	——	28		
Mary Hudson's Will Trusts, re	47	Pryor v. City Offices Co.	46	South-Eastern Railway Co., in re—ex parte Somerville	59
Mason, in re. Mason v. Mason	95	QUARTZ HILL CONSOLIDATED MINING Co. (Lim.) v. EYRE	57	Speight, re. Speight v. Gaunt	6
—— Turner v. Mason	108			—— v. Gaunt	125
—— v. Mason	21	RALPH'S TRADE-MARK, in re	121	Speller v. Sedgwick	98
Mayor of London, ex parte	114	Regina v. Brown	30	Spiers, ex parte—in re Gibson	62
Mellor v. Porter	147	—— v. Foote	37	Stanley v. Grundy	10
—— v. Thompson	94	—— v. Gloucester Union	40	Stannard v. Burt	39
Melly, in re	90	—— v. Hatte and Cuffe	146	Steedman's Trade-marks, in re	83
Mercantile Mutual Marine Insurance Association, in re	147	—— v. Holmes	126	Stonor's Trusts, re	95
Merriman, ex parte—in re Stenson	141	—— v. Illingworth	92	Stott v. Fairlamb	126
Mersey Docks and Harbour Board v. Lucas	89	—— v. Jones	78	Strauss v. County Hotel and Wine	
Mildred Goyeneche & Co. v. Mazon y Hermano	97	—— v. Judge of the City of London Court	140	Strawbridge and others, ex parte—in re Hickman	118
Miles v. Jarvis	99	—— v. Justices of the City of Liverpool	101	Co. (Lim.)	127
Milford Docks Co., re	14	—— v. Lowe	75	Street v. Crump	115
Milnes v. Mayor of Huddersfield	118	—— v. Recorder of Sheffield	106	Stubble, ex parte—in re Stubble	58
Mitchell v. Darley Main Colliery Co.	44	Reid v. London and Staffordshire Fire Insurance Company	112	Sutton v. Sutton	47
Moate's Trust, in re	16	Renpor	58	Svensden v. Wallace Brothers	63
Mooradff, re. Bargoine v. Mooradff	70	Richards, in re. Williams v. Gowin	135	Swainston v. Finn and Metropolitan Board of Works	19
Morgan's Settled Estate, in re	100	—— v. May	36	Swansea Co-operative Building Society v. Davies	126
Mostyn v. Lancaster, Taylor v. Lancaster	70	Ritso, ex parte—in re Ritso	13	Swift v. Pannell	39
Munich's Application, in re	116	River Swale Brick and Tile Works (Lim.), in re	76		
Mundell, in re. Fenton v. Cumberlandage	88	Riviere & Co.'s Trade-mark, in re	136	TAURINE Co. (Lim.) in re	6
		Robertson and Wife v. Broadbent	101		129
		Robinson, ex parte—in re Robinson	33	Teebay v. Manchester, Sheffield, and Lincolnshire Railway Co.	70
		—— v. Umanney	38		



	PAGE		PAGE		PAGE
The Elin . . . . .	85	Vyryan, <i>in re</i> . Whitfield v.	49	Westall v. Hall . . . . .	111
The Isis . . . . .	124	Vyryan . . . . .	49	Wheelwright v. Walker . . . . .	24
Thomas, <i>ex parte</i> — <i>in re</i> Humphreys . . . . .	9	WADE v. WILSON . . . . .	7	— v. — . . . . .	27
— v. Williams . . . . .	42	Wake and Another v. Hall and Others . . . . .	41	— v. — . . . . .	103
Three Towns Banking Co. v. Maddevar . . . . .	76	Walker, <i>ex parte</i> — <i>in re</i> M'Henry . . . . .	33	White, <i>in re</i> . White v. White . . . . .	3
Thring v. Salter . . . . .	43	Walker's Estate, <i>in re</i> . . . . .	76	Wilkins v. Corporation of Birmingham . . . . .	112
Thwaites v. Wilding and Another . . . . .	114	Wall, <i>in re</i> . . . . .	120	Wilkinson, <i>in re</i> — <i>ex parte</i> Berry . . . . .	17
Tillett v. Nixon . . . . .	138	Wall v. Taylor. Wall v. Martin . . . . .	59	Willey, <i>ex parte</i> — <i>in re</i> Wright . . . . .	42
Tone v. Preston . . . . .	103	Wallis v. Jackson . . . . .	22	Williams, <i>re</i> — <i>ex parte</i> Pearce . . . . .	122
Tootal's Trusts, <i>in re</i> . . . . .	49	Walne, <i>in re</i> . Walne v. Hill . . . . .	122	— v. Murrell . . . . .	60
Towse v. Loveridge . . . . .	121	Warburg, <i>ex parte</i> — <i>in re</i> Whalley . . . . .	146	Wilson, <i>re</i> . Parker v. Winder . . . . .	104
Truman v. London, Brighton, and South Coast Railway Co. . . . .	144	Warren's Settlement and Conveyancing and Law of Property Act, 1881, <i>in re</i> . . . . .	86	— v. De Coulon . . . . .	30
UFMANN v. FORESTER . . . . .	87	Watson, Kipling & Co., <i>in re</i> . . . . .	55	— v. Kirkwood . . . . .	27
VALLANCE'S TRUSTS, <i>in re</i> . . . . .	05	Webb v. Beavan . . . . .	80	— v. Turner . . . . .	5
Vaughan, <i>in re</i> . Halford v. Close . . . . .	67	— v. Stenton . . . . .	78	Wood v. Ainley . . . . .	87
Vine v. Raleigh . . . . .	96	Webber v. Wedgwood . . . . .	8	Woodhouse v. Spurgeon . . . . .	96
Viscount Exmouth v. Fraed . . . . .	30	— v. — . . . . .	25	Wright, <i>re</i> . <i>Ex parte</i> Willey . . . . .	16
		Webster, <i>in re</i> . Wigden v. Mello . . . . .	84	YOUNG & CO. v. MAYOR, &C. OF ROYAL LEAMINGTON SPA . . . . .	73
		Wells, <i>re</i> . . . . .	80	— v. Wallingford . . . . .	68
				ZONDON CO. (LIM.), <i>in re</i> . . . . .	132

# THE LAW JOURNAL;

A WEEKLY PUBLICATION OF NOTES OF CASES AND LEGAL NEWS.

VOL. XVIII.—1883.

## NOTES OF CASES.

### Barristers contributing the Notes.

#### HOUSE OF LORDS.

LIONEL LANCELOT SHADWELL, Barrister-at-Law.

#### PRIVY COUNCIL.

EDWARD BULLOCK, Barrister-at-Law.

#### SUPREME COURT OF JUDICATURE.

##### Court of Appeal.

ARTHUR CLEMENT EDDIS, H. LACY FRASER, ROBERT BRUCE RUSSELL, and WILLIAM EDWARD GORDON, Barristers-at-Law.

##### HIGH COURT OF JUSTICE.

##### Crown Cases Reserved.

WALTER HENRY MACNAMARA, Barrister-at-Law.

##### Chancery Division.

DAVID FITCAIRN, CECIL C. M. DALE, ARTHUR CORDERY, HENRY CHARLES DMANE, JAMES E. HOHNE, RICHARD BRAMWELL DAVIS, GEORGE ABBOTT STREETEN, WILLIAM COWELL DAVIES, and LEWIS BOYD SEBASTIAN, Barristers-at-Law.

#### Queen's Bench Division.

W. D. I. FOULKES, J. H. KATHERINGTON SMITH, GILBERT GEORGE KENNEDY, RICHARD HOLMDEN AMPHLETT, FRANCIS PARKER, and EDWARD BENNETT CALVERT, Barristers-at-Law.

#### Probate, Divorce, and Admiralty Division.

EDWARD STANLEY BOSCOE and EDMUND FULLER GRIFFIN, Barristers-at-Law.

#### LONDON COURT OF BANKRUPTCY.

##### Before the Chief Judge.

ARTHUR CORDERY and WILLIAM COWELL DAVIES, Barristers-at-Law.

#### Edited by

MONTAGU CHAMBERS, one of Her Majesty's Counsel,  
FREDERICK HOARE COLT, and JOHN GEORGE WITT,  
Barristers-at-Law.

## Table of Cases.

## COURT OF APPEAL.

St. JOHN BAPTIST COLLEGE, OXFORD, *Ex parte*. *Re*  
METROPOLITAN AND DISTRICT RAILWAY (CITY LINES  
AND EXTENSIONS ACT), 1879 . . . . . 2

## HIGH COURT OF JUSTICE.

COLUMBIA CHEMICAL FACTORY MANURE AND PHOSPHATE  
WORKS (LIM.), *In re* (Chanc.) . . . . . 3  
ELLIOTT, *In re*. ELLIOTT v. SMITH (Chanc.) . . . . . 3  
HUGHES HALLETT v. INDIAN MAMMOTH GOLD MINES  
(LIM.) (Chanc.) . . . . . 2  
NICHOLSON v. SMITH (Chanc.) . . . . . 3  
WHITE, *In re*. WHITE v. WHITE (Chanc.) . . . . . 3

## COURT OF APPEAL.

*Court of Appeal.* } *Ex parte* St. JOHN BAPTIST COLLEGE,  
JESSEL, M.R. } OXFORD. *Re* THE METROPOLITAN  
COTTON, L.J. } AND DISTRICT RAILWAYS (CITY  
SIR J. HANNEN, } LINES AND EXTENSIONS ACT),  
Nov. 16. } 1879.

*Lands Clauses Consolidation Act, 1845, s. 60—Lands  
taken by Railway Company—Purchase-moneys—In-  
vestment—Cash under Control of Court.*

Lands belonging to the above-named college were taken by the Metropolitan and District Railways, under the powers of their Act which incorporated the Lands Clauses Consolidation Act, 1845, and the sum of 5,544*l.*, representing the purchase-moneys, was paid into Court.

The president and scholars of the college petitioned to have the 5,544*l.* invested in India Three-and-a-Half per Cent. Stock, or in India Four per Cent. Stock, and to have the dividends paid to them from time to time until further order.

HALL, V.C., in accordance with his decision in *Ex parte the Rector of Kirkmeaton*, 51 Law J. Rep. Chanc. 681; L.R. 20, Chanc. Div. 203, held that the 5,544*l.* was not cash under the control of the Court, and directed that it should be invested in Three per Cent. Annuities.

The college appealed.

*Winstle* for the petitioners.

G. E. Kennedy, for the companies, did not oppose the investment, but urged that the costs of the appeal ought not to be thrown upon the companies.

Their LORDSHIPS considered that the fund was clear'y cash under the control of the Court within the meaning of Lord St. Leonards' Act, and might be invested accordingly. The companies must pay the costs of the appeal.

## HIGH COURT OF JUSTICE.

*Chancery Division.* } HUGHES HALLETT v. THE INDIAN  
FRY, J. } MAMMOTH GOLD MINES (LIM.).  
Dec. 18.

*Trustee and 'Cestui que Trust'—Indemnity—'Quia timet' Action.*

The plaintiff had taken shares in the Indian Mammoth Gold Mines (Lim.), as trustee for one Coolesley, on which he had paid 500*l.* out of money supplied by Coolesley, leaving 1,500*l.* uncalled on the shares. An order had been made for winding up the company. One of the objects of the action was to obtain indemnity against Coolesley, who did not defend. It did not appear that any call had been made in the winding up.

*W. W. Karstake and Dobbs* for the plaintiff.

*Cosens-Hardy, Q.C., and Kirby* for the defendants.

FRY, J., dismissed the action against the defendants other than Coolesley on the facts; and held also that, as no injury was shown to have happened to the trustee, he could not give judgment merely for future indemnity.