

## Northern Counties of England Fire Insurance Co v Whipp (1884) 26 Ch D 482

<http://lawcasesummaries.com/knowledge-base/northern-counties-of-england-fire-insurance-co-v-whipp-1884-26-ch-d-482/>

### Facts

- The Appellant executed a legal mortgage to their company, and put the deeds in the safe which he had keys to.
- Eventually he removed the deeds and gave everything except the mortgage to Mrs Whipp, not telling her about the security

### Held

- The Courts will postpone a legal mortgage to a subsequent equitable interest when;
- The legal mortgagee has participated in the fraud – refusing to give a title deed may be sufficient to establish this unless there is explanation
- Where the legal mortgagee has made the mortgagor his agent, and the security has been misrepresented by that agent

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Law case summary from [www.lawcasesummaries.com](http://www.lawcasesummaries.com)