

taken over the business of the English company. The question was whether the trustees were empowered under the will to retain the shares in the American company. Byrne, J., held that they were not, and that the words "public company" must be taken to mean an English public company. We see by the way according to this report that the two shares were exchanged for over \$41,500 in cash and over \$100,500 in shares, or \$142,000 for \$10,000.

REAL ESTATE—POWER OF APPOINTMENT—APPOINTMENT UPON TRUST FOR SALE AND TO DIVIDE PROCEEDS.

In re Redgate, Marsh v. Redgate, (1903) 1 Ch. 356, involved a neat point on the law of powers. By a will the trustees thereof were directed to convey certain property to such child or children, and for such estate or estates, manner or form, as the donee of the power should appoint. The donee appointed the land to be sold by the trustees of her own will, and the proceeds divided among the objects of the power, and it was held by Buckley, J., that this was a good execution of the power.

TRUST—CONSTRUCTION—TRUSTS FOR WIFE'S NEXT OF KIN "AS IF SHE HAD NEVER BEEN MARRIED"—CHILDREN EXCLUDED—WEEKLY NOTES

In re Smith, Wilkins v. Smith, (1903) 1 Ch. 373. A marriage settlement contained trusts for the children of the marriage attaining twenty-one or marrying, and an ultimate trust in default of children, and in case the wife predeceased her husband, for her statutory next of kin as if she had died intestate and had never been married. The wife died intestate leaving her husband surviving. There were three children of the marriage, all of whom died infants and unmarried. The first died during the wife's lifetime, the second after her death but before her husband's death, and the third died after the husband's death. The question therefore was whether under the will the trust funds had devolved on the two children who survived the wife, or whether they had devolved on the wife's next of kin excluding children. Eady, J., held that the latter was the proper construction and that the words "as if she had never been married" had the effect of excluding the children of the wife. A case from the Weekly Notes being cited the learned judge took occasion to say that except on points of practice the Weekly Notes should only be cited as interim reports of cases during the period required for their publication in the Law Reports.