

DIGEST OF ENGLISH LAW REPORTS.

him, equally to be divided between them if more than one, share and share alike, and if but one, then for such only child, that is to say in trust," till death or marriage. "And in default of issue of said F. becoming entitled to the said" fund, to such persons as his wife should appoint. H. died in 1828, his widow in 1835, and F. in 1875, leaving "issue surviving" him, a son, a daughter, six children of a deceased son, and four of a deceased daughter. *Held*, that, in the connection, "issue" meant "children," and the surviving son and daughter of F. took to the exclusion of the children of the deceased son and daughter.—*In re Hopkins's Trusts*, 9 Ch. D. 131.

7. B., by his will, gave his wife all his personal estate, including all his farming implements and stock, live and dead, for her life, without impeachment for waste or liability on account of diminution or depreciation, and after her decease he bequeathed the rest and residue of his personalty upon trust for his children. *Held*, that the wife took an absolute interest in the farming implements and stock.—*Bretton v. Mockett*, 9 Ch. D. 95.

8. Trust to divide the fund into three parts, and pay "one-third part to the heirs or next of kin of T. L." *Held*, a gift to the statutory next of kin of T. L., as a class.—*In re Thompson's Trusts*, 9 Ch. D. 607.

9. P., by will, gave his wife the whole of his real and personal property for her sole use, after payment of his debts, and added, "It is my wish that whatever property my wife might possess at her death be equally divided between my children." *Held*, that she took absolutely, unaffected by any trust for the children.—*Parnall v. Parnall*, 9 Ch. D. 96.

10. C. bequeathed a newspaper to trustees, to carry on the business, and pay one-fourth of the net profits to C. for life, and on his death to C.'s wife. The trustees were to have sole power and discretion as to carrying on the business and declaring profits. They were to draw up a balance-sheet every January, showing the profits for the year ending December 31. The trustees notified C. and the other beneficiaries that they would, in future, make a half-yearly division of profit on June 30 and December 31 of each year. C. was paid his portion of the half yearly profit June 30, 1877, and died December 23, 1877. *Held*, that the wife was entitled to the whole one-fourth of the profits declared December 31, for the half-year from June 30.—*In re Cox's Trust*, 9 Ch. D. 150.

11. E. died in 1860. By her will, dated in 1826, she gave all her real and personal property, subject to her debts and legacies, in trust, for her five sisters, M., S., C., H., and L., for life or until marriage, with survivorship contingent to be equally divided among all her "brothers and sisters then living, or their heirs." She had had six brothers and six sisters. Two brothers and one sister died before the date of the will. One brother died in infancy before the birth of E. The other brothers and sisters survived her, and the last

survivor, H., died in 1877, a spinster. In a suit to have the rights of claimants determined, *held*, that all the property was effectually given in the will, since the word "or" in the remainder-clause was to be taken literally; that "heirs" meant statutory next of kin as to the personalty, and heirs-at-law as to the realty; that nobody could take through the infant who died before E. was born; that the heirs and next of kin of brothers and sisters who died before E. died were to be fixed as at the death of E.; that the heirs and next of kin of the brothers and sisters who survived E. were to be taken as at the respective deaths of those through whom they claimed, and that as fixed by these rules all the heirs and next of kin of the brothers and sisters, except the infant, were entitled, (*De Beauvoir v. De Beauvoir*, 3 H. L. C. 524, considered).—*Wingfield v. Wingfield*, 9 Ch. D. 658.

12. G., by will dated in 1840, devised his freehold to "William G., the eldest son of his" nephew, J. G. J. G. had two sons, John, aged ten years, and William, aged eight. The only land the testator had was gavelkind land. *Held*, that it was a devise to William. The devise was to him and the heirs of his body, with a devise over to the testator's right heirs. William died without heirs of his body. *Held*, that the property went according to the common law, and not according to the custom of gavelkind.—*Garland v. Beverley*, 9 Ch. D. 213.

See ADVANCES; ANNUITY; FIXTURES; SEISIN; SETTLEMENT, 2, 3; TRUST, 1.

LAW STUDENTS' DEPARTMENT.

LECTURES FOR LAW STUDENTS.

We are glad to see that Mr. Ewart has recommenced his useful Saturday evening lectures on Chancery Practice. There can be no doubt that these lectures are a great boon to students, the more so owing to the present crowded state of the various law offices. Text books on practice may teach you what to do, but what is quite as necessary is to be taught *how to do it*. As his lectures are, in a great measure, conducted in a conversational form, an opportunity is afforded to students to have the difficulties which occur to their minds removed then and there. We understand that Mr. Delamere has kindly undertaken to commence before long a similar benevolent work in relation to Common Law practice.

EXAMINATION PAPERS.

We continue the Law Society examination papers:—