

where a fiduciary relationship exists between the parties, particulars should always precede discovery, and claimed that this rule had been laid down by Kay, L.J., in *Zierenberg v. Labouchere* (1893) 2 Q. B. 189; but Chitty, J., held that no such hard and fast rule existed, but that it was a matter for judicial discretion in all cases as to whether particulars should precede discovery, and after a careful consideration of the facts of the present case, he varied his order by directing discovery to precede the delivery of particulars.

WILL—"ACT OF PARLIAMENT"—"SETTLEMENT"—SETTLED LAND ACT, 1882 (45 & 46 VICT. C. 38) s. 2—SETTLED ESTATES ACT (58 VICT., C. 20, s. 2 (O.).

*Vine v. Raleigh*, (1896) 1 Ch. 37, though a decision under the Settled Land Act, 1882, may also be taken as bearing on the interpretation of the Ontario Settled Estates Act (58 Vict. c. 20, sec. 2), inasmuch as Chitty, J., determined that the words "Act of Parliament" in the English statute in the clause defining the meaning of "settlement," include public as well as private Acts; and where by the operation of the Thellusson Act a direction to accumulate contained in a will was void, and under that Act the accumulations went to the next of kin, the will and the Act together constituted "a settlement" within the meaning of the Settled Land Act.

WILL—CONSTRUCTION—CHARITY—GIFT TO "THE POOR AND THE SERVICE OF GOD."

*In re Darling, Farquhar v. Darling*, (1896) 1 Ch. 50; 13 R. Dec. 93, may be briefly noticed. The question was whether a testamentary gift "to the poor and the service of God," was a good charitable gift, and Stirling, J., held that it was.

TRUSTEE—BREACH OF TRUST—INVESTMENT—POWER TO INVEST IN SUCH SECURITIES AS TRUSTEES "SHALL THINK FIT"—INVESTMENT INDUCED BY COMMISSION TO TRUSTEE--SECRET PROFIT BY TRUSTEE.

*In re Smith, Smith v. Thompson* (1896), 1 Ch. 71, was an action against trustees to compel them to make good losses occasioned to the trust fund by an improvident investment. The trustees had power to invest in such securities "as they should think fit." The investment complained of had been made upon the security of debentures constituting a