

SETTLEMENT—POWER OF APPOINTMENT—REMOTENESS—APPOINTMENT TO DAUGHTERS "WHO SHALL HEREAFTER MARRY."

In re Gage, Hill v. Gage (1898) 1 Ch. 498, an appointment of a fund was made under a power, in favour of the appointees, three unmarried daughters "who should thereafter marry," and also provided that so long as these daughters remained unmarried, the income of the residue of the fund should be paid to them equally, and in case "one or two only of them should marry" (which happened), then after the death or marriage of such last one as should be last living and unmarried, the capital of the residue should be paid to four other children, and such of the three daughters as should marry, equally. Kekewich, J., held that the ultimate gift over of the fund was void for remoteness, also that the appointment in favour of the three daughters who should marry was void for the same reason: but that the appointment of the income of the residue of the fund to the three unmarried daughters was a valid appointment of one-third to each daughter, as long as she was living and unmarried.

CONTINGENT REMAINDER—INTERMEDIATE RENTS BEFORE VESTING—LEGAL AND EQUITABLE LIMITATIONS.

In re Averill, Salisbury v. Buckle (1898) 1 Ch. 523, is an illustration of the maxim that equity follows the law. In this case a testator by his will dated in 1878, devised real property to the use of trustees in fee, upon trust for his daughter Annie for life, and after her death for her children, who being sons should attain 21, or, being daughters, should attain that age or marry, as tenants in common. Annie died in 1885 leaving six children, all infants under 21, and unmarried. The eldest child having attained 21 in March, 1897, it became necessary to determine what was the proper disposition of the rents; and Romer, J., held that the eldest child was entitled to the whole of the rents until the next child attained a vested interest, each child being admitted to share therein as he or she attained a vested interest, in the same way as if the limitations had been legal.