

DIGEST OF ENGLISH LAW REPORTS.

land. *Held*, that the lessees were properly made parties.—*Bishop of Winchester v. Midhants Railway Co.*, Law Rep. 5 Eq. 17.

See MISTAKE.

VESTED INTEREST.

1. Testator devised certain land to trustees, on trust for his daughter R. for life, and, after her death, he gave the same to her children; if more than one, as tenants in common, their heirs and assigns; if only one, then to such child and his or her heirs and assigns; and in case R. should die "under twenty-one or afterwards, without leaving any child or children," testator gave the land to his son C., his heirs and assigns. *Held*, that "without leaving" was to be read "without having had," and that R.'s children, at their birth, took indefeasible vested remainders in fee.—*White v. Hill*, Law Rep. 4 Eq. 265.

2. Bequest of stock to be divided, after the death of an annuitant, between all the children of A., as they should attain his or her age of twenty-one. *Held*, that the fund was to go to such of the children of A. as were living when the first attained twenty-one, and who had attained or who should attain twenty-one.—*Locke v. Lamb*, Law Rep. 4 Eq. 372.

VOLUNTARY CONVEYANCE.

A woman being indebted to the plaintiff at the time of marriage, settled all her property (except jewels and furniture exceeding the debt in value), on failure of issue, in favor of her mother, her sister and two nieces, one of whom she had adopted as her daughter. She died without issue, leaving no assets. *Held*, that the settlement must be set aside to the extent of the plaintiff's debt.—*Smith v. Cherrell*, Law Rep. 4 Eq. 390.

WARRANTY.—See SALE.

WASTE.—See LIMITATIONS, STATUTE OF.

WATERCOURSE.—See EASEMENT; PLEADING, 2.

WILL.

1. A testatrix left a will, with a full attestation clause, all in her own handwriting; the only signature was in the attestation clause, and had apparently been inserted after that clause had been written. The witnesses did not know whether or not the signature was on the paper when they signed. The court *held*, that it was at liberty to judge whether the signature was on the paper at the time of attestation, and, being of opinion that it was, granted probate of the will.—*Goods of Huckvale*, Law Rep. 1 P. & D. 375.

2. A testatrix wrote three lists of legacies on three separate sheets; the first was headed,

"Codicil to the will of S. P." She signed all three sheets in the presence of the witnesses, but they attested her signature to the first sheet only. There being nothing in the contents to connect the papers with each other, and the first being complete in itself, the court refused to grant probate of the other two.—*Goods of Pearse*, Law Rep. 1 P. & D. 382.

3. An agreement to lease, attested by two witnesses, contained a provision as to the application of the rent, in case of the lessor's death, the lessee being beneficially interested in such application. *Held*, that, as no part of the agreement was revocable, and as it came into operation immediately on its execution, it was not entitled to probate as testamentary.—*Goods of Robinson*, Law Rep. 1 P. & D. 384.

4. A will began thus: "I, W. M., being weak in health, have obtained permission to cease from duty for a few days; and I wish, during such time, to be removed from the brig A. to the hospital ship B., to recruit my health. I desire to defray out of my wages the expenses incurred during my absence from duty, in respect of a substitute; and, in the event of my death occurring during such time, I do hereby will and bequeath," &c. *Held*, not contingent on the event of the testator's death in the illness from which he was suffering when the will was made.—*Goods of Martin*, Law Rep. 1 P. & D. 380.

5. Testator, after giving an annuity and legacies to his wife, and an annuity to his father, left several legacies, which he wished paid after his father's death, and directed that, after his wife's death, the remainder of his property should be divided among his brothers and sisters, if living; if dead, among his nephews and nieces. *Held*, that the wife took a life-estate by implication, in the residue.—*Humphreys v. Humphreys*, Law Rep. 3 Eq. 475.

See ADEMPMENT; ADMINISTRATION; ANNUITY; CHARITY; DEVISE; INSANITY; LEGACY; MARSHALLING; MORTMAIN; PERPETUITY; REVOCATION OF WILL; TRUST, 3; VESTED INTEREST.

WITNESS.—See DEPOSITION; EVIDENCE; WILL, 2.

WORDS.

"Drunk on the premises."—See LICENSE.

"Freehold."—See DEVISE, 1.

"Neglect."—See INDICTMENT.

"Next personal representative."—See LEGACY, 4.

"Passing of this Act."—See STATUTE.

"Without leaving."—See VESTED INTEREST, 1.