

apply the whole or any part of this legacy towards the maintenance and education of the legatee. The testatrix by her will, however, made other provisions for the maintenance and education of the legatee, and bequeathed to her all the money standing to the credit of her current or deposit account, and also devised to her a freehold house. The legatee was thirteen years of age. Warrington, J., held that as the testatrix had made provision for the maintenance and education of the legatee out of other funds, the £900 legacy would only bear interest from the time when the legatee would attain twenty-one.

PRACTICE—DISCOVERY AS BETWEEN CO-DEFENDANTS.

Birchal v. Birch (1913) 2 Ch. 375. This was an action by plaintiff, as assignee of the defendant Jackson, to recover from the defendants Birch & Co., commission alleged to be due by them to Jackson. The defendants, Birch & Co., by their defence alleged that the plaintiff had no right at all, inasmuch as they had a claim against Jackson for damages for misrepresentation, which they were entitled to set off against any claim by him for commission. No counterclaim was filed. Birch & Co. applied for an order to examine Jackson for discovery which was refused by Warrington, J., and his order was affirmed by the Court of Appeal (Cozens-Hardy, M.R., and Kennedy, and Eady, L.J.J.), Eady, L.J., dissenting.

ADMINISTRATION—REVOCATION OF GRANT—SUPPOSED INTESTACY
—SUBSEQUENT DISCOVERY OF WILL—SALE BY ADMINISTRATRIX
OF LAND—INVALIDITY OF PURCHASER'S TITLE.

Hewson v. Shelley (1913) 2 Ch. 384. In this case the facts were, that a grant of administration was made to a deceased person's estate, on the supposition of intestacy, and the administratrix, his widow, sold the land of the deceased. One-third of the net proceeds was invested to provide dower for the widow of the deceased and the residue was divided between the co-heiresses. After the sale, the widow died, and among her papers a will of her husband was discovered which had slipped out of sight. The parties entitled to the real estate under the will brought the present action to recover possession of the land from the purchasers, and Astbury, J., held that they were entitled to succeed, the sale not having been made for any purpose which the executors of the will would have been obliged to sell.