not operate as a forfeiture because the receiver was the statutory agent of the son to receive the income of the trust fund; and that as the document of May, 1919, was executed after the appointment of the receiver it was null and void and could not therefore operate as a forfeiture.

EXECUTOR—PECUNIARY LEGACY—INFANT LEGATEE—APPROPRIATION TO MEET LEGACY—DISTRIBUTION OF RESIDUE.

In re Salomons, Public Trustee v. *Wortley* (1920) 1 Ch. 290. The simple point determined by Eve, J., in the case is—that an executor cannot set apart the amount of a pecuniary legacy to which an infant is entitled and invest the proceeds in which moneys in the control of the Court are allowed to be invested so as to render himself free to distribute the residue of the estate without incurring personal liability in respect of the legacy. The only way to discharge himself is to pay the amount of the legacy into Court under the Trustee Act. In this connection *In re Rivers, Pullen* v. *Rivers, post*, may be referred to.

WILL—CONSTRUCTION—GIFT OF RESIDUARY PERSONALTY AND REALTY TO NAMED PERSONS "OR THEIR HEIRS"—WORDS OF PURCHASE OR LIMITATION—SUBSTITUTIONAL GIFT—PERIOD OF ASCERTAINMENT OF HEIRS—WILLS ACT, 1837 (1 VICT. C. 26) S. 28—(R.S.O. C. 120, S. 31).

In re Whitehead, Whitehead v. *Hemoley* (1920) 1 Ch. 298. In this case the construction of a will was in question. By it, the testator, who died in 1895, gave her residuary real and personal estate after the death of an annuitant to her four brothers and a sister "or their heirs in equal shares and proportions." The annuitant died in 1917. One brother predeceased the testatrix having had 10 children but leaving seven who survived the annuitant. Another brother survived the testatrix (but predeceased the annuitant) leaving one child who survived the annuitant, another brother predeceased the testatrix leaving one child who survived the annuitant. The daughter also predeceased the testatrix leaving two children who survived the annuitant. The remaining brother survived the annuitant but had since died leaving 5 children. Sargant, J., who tried the action, held (1) that the will did not convert the realty into personalty (2) that any interest given to the brothers and sisters in the realty was given to them as tenants in common and not as joint tenants, (3) that the words "or their heirs" were as regarded the realty words of substitution and not of limitation, (4) that as regards the person-