

## DIGEST OF ENGLISH LAW REPORTS.

she should have any." All given to the daughter to be for her own benefit, and not subject to the control of any husband. If the daughter should die without issue, then said leasehold estate, together with all left to the wife for life, over. *Held*, that the daughter was absolutely entitled to said leasehold estate and to said remainder, and that the limitation over if the daughter should die without issue was void for remoteness.—*Fisher v. Webster*, L. R. 14 Eq. 283.

3. A testator devised his estate to his son A. for life; remainder during A.'s life to trustees, to preserve contingent remainders; remainder to B., eldest son of A., for life; remainder to B.'s first and other sons successively in tail male; and for default of such issue, to R., second son of A., for life, with remainder to his first and other sons successively in tail male; and for default of such issue to the third, fourth, and other sons of A., thereafter to be born successively in tail male; and in default of such issue, to I., the testator's daughter, for life, with remainder to her first and other sons successively in tail male; and for default of such issue, to E., eldest daughter of A., for life, remainder to her first and other sons successively in tail male; and for default of such issue, to I. B., second daughter of A., for life, with remainder to her first and other sons successively in tail male; and for default of such issue, to S., third daughter of A., for life, with remainder to her first and other sons successively in tail male; and for default of such issue, to all and every the fourth, fifth, and other daughters of A. successively, for life, with remainders to the heirs male of their bodies respectively; and "for default of such issue, to the use and behoof of all and every other the issue of my body;" and for default of issue to the testator's heirs. The testator added that it was his desire to keep said estates in one person; and he made it incumbent on the females in the line of descent, if married, to take, with their husbands, the testator's name. He also directed a certain chest or muniment box to go to the person entitled to his real estate from time to time. B. came into possession of said estates, and executed a disentailing deed, reciting that the estate tail was vested in him expectant on the failure or determination of the estates in tail male limited to his first and other sons, and the death and failure of issue male of his brothers and sisters, and all reversions and remainders thereon expectant or dependent. B. then devised the estates to the defendant. Said I., the testator's daughter, had died in B.'s lifetime, and B.'s brothers and sisters died without leaving issue male. E. was the last tenant in tail under the specific limitations in the will, and died, leaving a daughter. Actions were brought against the defendant as follows: first, by parties claiming jointly under the penultimate limitation in the will, as being all the issue of S. (a second daughter of the testator, deceased before the date of the will) living at the death of E.; secondly, by said daughter of E., as heiress in tail general of the testator at the time the penultimate limitation took effect in posses-

tion; thirdly, by the heir of the survivor (a daughter of S.) of all the issue of testator living at his death other than those included in the particular limitations; and, fourthly, by a grandson of S., claiming as heir in tail of the testator at his death, all those being excluded who came within the particular limitations. *Held*, first, that the words, "issue of my body," in the penultimate limitation in the will, were to be read as "heirs of my body." Secondly, that the devise, "to the issue of my body," did not, having regard to the whole will, have the effect of giving the estate *per capita* in joint tenancy among all who came within the class at the time of vesting in possession. Thirdly, that the words "all and every" were satisfied by all taking in succession. Fourthly, that the word "other" was not to be read only as excluding those within the class already provided for, but as completing a provision for all the issue, so as to make the estates go over by force of the words at the end of the penultimate limitation, "in default of such issue" only upon failure of all the issue of the testator. And that it followed by the rule in *Mandeville's Case*, Co. Litt. 26 b, that, by virtue of the penultimate limitation, there was, at the death of the testator, a vested remainder in the heirs of his body in tail: that this remainder descended to B., who, being tenant for life in possession, was qualified to execute said disentailing deed so as to acquire the absolute disposition of the estates, subject to the estates preceding the penultimate limitation. The particular limitations having failed or determined, the devise of B. took an absolute estate. Judgment for defendant.—*Allgood v. Blake*, L. R. 7 Ex. 339.

4. Devise in trust for all testator's children who, being sons, should attain twenty-one, or, being daughters, should attain that age or marry. Proviso, that notwithstanding the trust aforesaid, on the marriage of any daughter, a moiety of her share should be held in trust for such daughter for life, remainder to her children. *Held*, that said proviso applied to the case of a daughter marrying under twenty-one only.—*In re Dowling's Trusts*, L. R. 14 Eq. 463.

See CONTRIBUTION; EXECUTORS AND ADMINISTRATORS, 2; LEGACY; POWER, 1; WILL.

DIRECTOR.—See COMPANY, 1, 2.

DISTRIBUTION.—See WILL.

DIVORCE.—See SETTLEMENT, 2.

DOCUMENTS, INSPECTION OF.

The plaintiff filed a bill to establish his title by descent to certain lands, and prayed inspection of certain documents. The defendants stated in their answer that documents A., except as to a part left open, did not tend to make out the title of the plaintiff; that persons not parties to suit were interested in documents D.; that documents Y. did not relate to any matter to be tried in the case, but were exclusively documents which the plaintiff would be entitled to the production of by way of consequential relief if he succeeded in the case. *Held*, that documents