form of expression without due regard to its application to the actual circumstances. By the will in question one Bowyer Nichols was appointed executor, and to him was given (1) a legacy of £1,000 "if he shall prove my will," and (2) a legacy of a share in the testator's residuary estate. By a codicil the testator revoked the legacy of £1,000 to Bowyer Nichols and his appointment as executor, and appointed in his place Harry Freeman, to whom he bequeathed £200 for his trouble in acting as executor, and the codicil adopting a common form proceeded as follows: "And I declare that my said will shall be construed as if the name of the said Harry Freeman were inserted in my said will throughout instead of the name of the said Bowyer Nichols, and in all other respects I confirm the said will." It was contended that this clause had the effect of substituting Harry Freeman as the legatee of the share of the residue by the will bequeathed to Bowyer Nichols. Joyce, J., came to the conclusion that it was so doubtful on the reading of the codicil that the testator intended to substitute Freeman for Nichols as the legatee of the residuary share, that he ought not to give that effect to the codicil, but to read the concluding clause as merely applying to Nichols in his character of executor, and the Court of Appeal (Cozens-Hardy, M.R., and Buckley and Kennedy, L.JJ.) agreed that that was the proper conclusion.

WILL—GIFT OF INCOME TO DAUGHTER TILL MARRIAGE—GIFT OVER OF FUND ON MARRIAGE—DAUGHTER DYING UNMARRIED—ABSOLUTE GIFT—DETERMINABLE LIFE INTEREST.

In re Mason, Mason v. *Mason* (1910) 1 Ch. 695. In this case a testatrix directed the trustees of her will to pay the income of her residuary estate to her daughter until she should marry and after her marriage to pay thereout a legacy of £3,000, and divide the balance between the testatrix's surviving sons. The daughter died unmarried, and the question to be determined was whether the gift to the daughter was an absolute gift of the income, or whether it terminated at her death so that the gift over might then take effect. Joyce, J., held that he was bound by *Rishton* v. *Cobb*, 5 My. & Cr. 145, to hold that in the event which had happened, this bequest of income amounted to an absolute gift of the residue to the daughter, but the Court of Appeal (Cozens-Hardy, M.R., and Buckley and Kennedy, L.JJ.) thought that *Rishton* v. *Cobb* was distinguishable because in that case there was no gift over, and this notwithstanding the dictum of Lord Cottenham regarding the state of widowhood and spinsterhood, the former, in his opinion, being terminated by death, and the latter not.