

DIGEST OF ENGLISH LAW REPORTS.

that he could not share in the funds.—*Umbers v. Jaggard*, L. R. 9 Eq. 200.

9. Testatrix gave a share of residuary personal estate to such of her four grand-children, A., B., C. and D., as should be living at the death of E. But if any of the said four grand-children should die in the lifetime of E., leaving issue, "the share or shares of such of them so dying shall be assigned and transferred to such issue respectively, in equal shares and proportions, on their attaining the age of twenty-one years, and the dividends and proceeds thereof in the mean time to be applied in or towards their maintenance and education. C. died in the lifetime of E., leaving issue, of whom several died under twenty-one. Held, that C.'s share vested in such of C.'s issue only as attained twenty-one.—*In re Ashmore's Trusts*, L. R. 9 Eq. 99.

10. A. gave a residuary estate to be equally divided amongst his children. He afterwards gave the dividends for the use of each of his children during their respective lives, and, if they had children, then the principal to be at the disposal of the parent of such children. If any of A.'s children should leave no children, his share to revert into the residuum.

A.'s daughter B., by her will, expressed her intention of appointing her share under A.'s will to her children, but gave them a part only, and after directing debts and legacies to be paid, gave to her son the residue of the personal estate which belonged to her, or which she had any general power to dispose of. Held, that B. took a life-estate under A.'s will, with a power of appointment among her children; that B. had not fully exercised the power; and that the part not expressly appointed was divisible among B.'s surviving children.—*Butler v. Gray*, L. R. 5 Ch. 26.

11. A testator left his residuary personal estate in trust for his wife during her life, and at her death for his children "or their heirs." One of the children died before the wife, having assigned his share. Held, that the next of kin of the deceased child took, and not the assignee.—*Finlason v. Tatlock*, L. R. 9 Eq. 258.

12. A testator left a residue to trustees, to collect, &c., and then to divide the whole among his four children, A., B., C. and D., "with benefit of survivorship in case any of them should die without issue," and if any of them should die leaving children, "the share, whether original or accruing, of him . . . so dying, shall go, belong, and be divided between such children," &c. A., B., C. and D. all survived the testator. Held (reversing the

decision of Malins, V. C.), that they did not thereby acquire indefeasible interests.—*Bowers v. Bowers*, L. R. 5 Ch. 244; s. c. L. R. 8 Eq. 283. See 4 Am. Law Rev., 484.

See COVENANT; LIMITATIONS, STATUTE OF, 2, 3; POWER, 2, 3.

WINDING UP.

1. The *Warrant Finance Co.'s Case*, L. R. 4 Ch. 643; 4 Am. Law Rev., 283, was not merely a rule for the future, but a declaration of the law as it then stood.—*Ebbw Vale Co.'s Case*, L. R. 5 Ch. 112.

2. But the rule in that case does not prevent a creditor who holds a security (although on the estate against which the proof is made) from receiving dividends to the full amount of the principal, and at the same time realizing his security until the full amount of principal and interest has been satisfied.—*Warrant Finance Co.'s Case* (No. 2), L. R. 5 Ch. 88.

3. Nor from receiving dividends for the same debts from the estates of two companies in liquidation until the full amount of debt and interest has been satisfied.—*Warrant Finance Co.'s Case*, L. R. 5 Ch. 86.

4. Upon a petition to wind up a canal company, presented by the company, the corporation of a town within which part of the canal was situated, and a canal company whose canal communicated with that of the petitioning company, were heard in opposition to the petition.—*In re Bradford Navigation Co.*, L. R. 9 Eq. 80.

See COMPANY, 1; DAMAGES, 1.

WITNESS.—See WILL, 1.

WORDS.

"Abandon and expose."—See INFANT.

"All debtors."—See BANKRUPTCY, 1.

"All not hereinbefore appointed."—See POWER, 2.

"Arrest."—See SHIP.

"At and from."—See INSURANCE, 2.

"Children or their heirs."—See WILL, 11.

"Codicil."—See WILL, 3.

"Entitled."—See WILL, 3.

"In consideration of."—See WILL, 6.

"In good safety."—See INSURANCE, 3.

"Nephew."—See WILL, 5.

"Rents, issues and profits."—See POWER, 1.

"Suit for redemption."—See REDEMPTION SUIT.

"Trimming."—See PATENT, 3.

"Will."—See WILL, 3.

"With benefit of survivorship."—See WILL, 12.