

tiff's father was absolutely entitled and able to give them, as he had assumed to do, to the defendant. Collins, J., gave judgment in favor of the defendant, but the Court of Appeal, Lord Esher, M.R., and Lopes and Chitty, L.JJ.) unanimously reversed his decision, holding that there was no trust attending the gift to the grandmother, but that she was absolutely entitled, and that her disposition of them by will did not offend against the rule of law against perpetuities, and therefore that the plaintiff was entitled to recover. Hitherto, it may be observed, it has only been to wills that the doctrine of precatory trust has been considered applicable, but in this case it will be noticed the attempt was made to extend it to a gift inter vivos.

MANDAMUS—LEGAL RIGHT TO APPLY FOR MANDAMUS.

*The Queen v. Lewisham Union*, (1897) 1 Q.B. 498, was an application for a prerogative writ of mandamus made by the Lewisham Board of Works to compel the guardians of the poor of Lewisham Union to enforce the provisions of the Vaccination Acts. The motion was refused by Wright and Bruce, JJ., on two grounds, first, because the applicants had no legal specific right to compel the performance by the guardians of their duties under the Vaccination Acts, and secondly, because the applicants had themselves statutory power to carry out the provisions of those Acts. As Bruce, J., tersely puts it, "The Court has never exercised a general power to enforce the performance of their statutory duties by public bodies on the application of anybody who chooses to apply for a mandamus."

EMPLOYERS' LIABILITY ACT (43 & 44 VICT. C. 42), S. 1, SUB-SEC. 1—WORKMEN'S COMPENSATION FOR INJURIES ACT (55 VICT. C. 30 (O.)), S. 3, SUB-SEC. 1)—DEFECT IN CONDITION OF WAY—MACHINERY—GUARD TO CIRCULAR SAW, TEMPORARY REMOVAL OF.

*Tate v. Latham*, (1897) 1 Q.B. 502, is a case under the Employers' Liability Act, from which the Workmen's Compensation for Injuries Act, Ont., 55 Vict., c. 30, is adapted. The action was for injury occasioned by a circular saw. The defendant had provided a guard for the saw which was removable for the pur-