

his residue to a person who was his debtor, but the debt was payable by instalments, some of which were not due, and the question Warrington, J., was called on to decide was, whether the executor could properly retain out of the legatee's share of the residue a sum sufficient to answer the future accruing instalments of the debt due by the legatee to the testator. This question the learned judge answers in the negative.

TENANT FOR LIFE—REMAINDERMAN—TRUST FOR SALE OF REALTY
—POSTPONEMENT OF SALE—RENTS AND PROFITS.

In re Oliver, Wilson v. Oliver (1908) 2 Ch. 74, Warrington, J., holds that when real and personal estate is given on trust for sale and the proceeds are to be held in trust for a person for life and then for others, and the sale without any impropriety is postponed, the tenant for life is, until the sale, entitled to the rents and profits of the realty.

WILL—SPECIFIC LEGACY—SHARES IN BANK—MISDESCRIPTION OF
SUBJECT OF LEGACY—EXTRINSIC EVIDENCE.

In re Jameson, King v. Winn (1908) 2 Ch. 111. In this case a testatrix by her will, made in 1902, bequeathed to two legatees "all my shares in the Wensleydale and Swaledale Bank." At the date of the will and at the date of her death she had no such shares. In 1899 she held 25 such shares, but the Wensleydale and Swaledale Bank was then taken over and amalgamated with Barclay & Co., Limited, and the testatrix received in exchange for her shares in the Wensleydale and Swaledale Bank 25 shares in Barclay & Co., Limited, which she held at the date of her will and at the time of her death, and had no other bank shares. In these circumstances, Eve, J., held that the 25 shares of Barclay & Co. passed to the legatees of the Wensleydale and Swaledale bank shares.

WILL—CONSTRUCTION—WORDS OF FUTURITY—SUBSTITUTIONAL
GIFT—GIFT TO CHILDREN OF NEPHEW "IN CASE NEPHEW
SHALL DIE IN MY LIFETIME"—NEPHEW DEAD AT DATE OF WILL.

In re Lambert, Corns v. Harrison (1908) 2 Ch. 117. This case involves a very similar point to that discussed *In re Cope, Cross v. Cross*, *supra*. Here a testatrix gave the residue of her estate in trust for all my nephews and nieces who shall be living at my death, to be equally divided between them. Provided