

surviving. Eady, J., held that an after-taken wife is within the Married Women's Property Act, 1870, s. 10 (see R.S.O. c. 203, s. 159 (1)), but that even if she were not within the Act the second wife would be entitled by virtue of the contract with the insurance company.

WILL—DEVISEE OF MORTGAGED ESTATE—EXONERATION—CONTRARY INTENTION—DIRECTION TO PAY DEBTS "EXCEPT MORTGAGE ON BLACKACRE"—LOCKE KING'S ACTS, REAL ESTATE CHARGES ACT, 1867 (30 & 31 VICT. c. 69) s. 1—(R.S.O. c. 128, s. 37).

*In re Valpy, Valpy v. Valpy* (1906) 1 Ch. 531. Eady, J., holds that where a testator directs his debts "except charges, if any, on Blackacre," to be paid out of his residuary estate, he having at his death two estates, Blackacre and White Acre, subject to mortgage, which he had specifically devised that the direction, excepting Blackacre was an indication of "a contrary intention" within the meaning of the Real Estate Charges Act, 1867, s. 1 (R.S.O. c. 128, s. 37), that the devisee of Whiteacre should take cum onere and therefore the mortgage on that estate must be paid out of the residue.

WILL—GIFT TO CHILDREN OF WOMAN—INDICATION OF INTENTION—ILLEGITIMATE CHILDREN—PUBLIC POLICY.

*In re Loveland, Loveland v. Loveland* (1906) 1 Ch. 542. A testator had in his lifetime gone through the form of marriage with his niece, the marriage being in fact invalid. Shortly after the marriage and while the niece was enceinte he went to the East alone, having first made his will, whereby he purported to bequeath his residuary estate to Daisy Dorcas Wootton (otherwise Loveland) for life and after her decease in trust for "all her children living at my decease." A child was born after the testator's departure and the testator died seven months afterwards, in Penang, without having seen the child. Eady, J., held that having regard to the surrounding circumstances there was a sufficient indication on the face of the will to shew that the testator used the word "children" as including illegitimate children, and that such a gift was not invalid on the ground of public policy and that though a gift to the illegitimate children of a man would be void for uncertainty the same rule did not apply to the illegitimate children of a woman, and as the will spoke from the time of the testator's death the bequest was not open to objection on the ground of its providing for future born illegitimate children.