

gave real and personal property in trust for his son for life and on his death in case he should marry "with the consent in writing of my said wife" in trust for the son's children, and in case he married without such consent, or if he should marry with consent and have no child, in trust as to the realty for one person, and as to the personalty for another. The son actually married in the testator's lifetime and with his consent, and after the marriage the testator added a codicil confirming his will but making no alteration in the gift to the son. The son died without marrying again and without having any child. In these circumstances Parker, J., held that the condition as to marriage with consent had been fulfilled by the marriage with the testator's own consent, and that the gift over upon the son so marrying and having no child took effect.

TRUSTEE—POWER TO GRANT MINING LEASES—UNOPENED MINES.

*In re Baskerville, Baskerville v. Baskerville* (1910) 2 Ch. 329. In this case a testatrix by her will devised to trustees her undivided share in certain lands upon trust for sale and conversion, and declared that whilst any part should remain unsold the trustees might let, manage and join with any other persons in letting and managing the unsold portion, and also gave them power to grant building or other leases for such rent, etc., as they should think fit. On part of the estate were opened, and on other parts unopened, mines, and the question, for decision was as to the power of the trustees to grant mining leases of the property and Joyce, J., held that they might join with the other co-owners, in mining leases of the opened mines, but that this power did not extend to granting mining leases of unopened mines.

CONFLICT OF LAWS—MORTMAIN—TESTATOR DOMICILED IN ENGLAND—DEVISE OF LANDS IN ONTARIO FOR CHARITY—APPLICABILITY OF COLONIAL LAW TO CONSTRUCTION OF WILL—9 GEO. II. C. 36—MOVABLES—IMMOVABLES.

*In re Hoyles, Row v. Jagg* (1910) 2 Ch. 333. In this case a testator, a domiciled Englishman, by his will devised and bequeathed certain freehold mortgages of lands in Ontario, to be applied to purposes of charity. The will was dated in 1878, and the testator died in 1888. The Imperial statute, 9 Geo. II. c. 36, had been incorporated into the provincial law by the Constitutional Act of 1792, and was not repealed till 1902 (see now