

TRUSTEE ACT—APPOINTMENT OF NEW TRUSTEES—APPOINTMENT OF SEPARATE SET OF TRUSTEES FOR PART OF TRUST PROPERTY.

In re Moss's Trusts, 37 Chy. 513, Kay, J., held that, under the *Trustee Act*, 1850, s. 32, the court had power to appoint a separate set of trustees for part of the trust property held upon distinct trusts. He also ruled that a petition under the *Trustee Act* should state under which particular section of the Act the court is asked to act.

ADMINISTRATION—INTESTACY—PERSONALTY—GRANDCHILDREN—STATUTE OF DISTRIBUTIONS—(22 AND 23 CAR. 2, C. 10) SS. 3, 5, 6, 7.

In re Natt, Walker v. Gammage, 37 Chy. D. 517, is a case upon the construction of the *Statute of Distributions* (22 Car. 2, c. 10), and reveals the somewhat curious fact that the statement in *Williams* on Executors, 8th ed., vol. 2, p. 1503, to the effect that where the children of an intestate are all dead, and all of them have left children, all the grandchildren are entitled to an equal share *per capita*, is an incorrect statement of the law. The point, it seems, has been the subject of difference of opinion among the text-writers for some time past. In *Watkins* on Descents the same opinion is expressed as in *Williams*; but in *Burton's Compendium*, 7th ed., p. 438, the contrary view is stated, and this seems borne out by *Hargrave* in his *Jurisconsult Exercitationes*, vol. 1, p. 271, and also by a note of Joshua Williams to *Watkins* on Descents. Considering the length of time the statute has been in force, and the many cases which must have arisen, it is certainly strange that the question of its proper construction on this point should, at this late day, be in doubt. North, J., as we have intimated, was of opinion that *Williams'* view is erroneous, and that where the next of kin are all grandchildren, or great grandchildren, they take *per stirpes* and not *per capita*.

ADEMPTION—BEQUEST OF BUSINESS—DOUBLE PORTIONS.

The only other case to be noted is *In re Vickers, Vickers v. Vickers*, 37 Chy. D. 525. In this case a testator had bequeathed his residue (including a business, which he directed to be sold) for the benefit of his children (two sons and three daughters) equally; and subsequently to the date of the will he assigned his business to his eldest son on trusts, which provided for the admission of the younger son as a partner on equal terms with the elder on his attaining full age; the repayment, with interest, to the testator of a sum temporarily loaned by him to the business; and the payment to the testator of a weekly sum for his life; and it was held by North, J., that the shares of the two sons in the residue were adeemed to the extent of the value of the property assigned in trust for them at the time of the assignment, which must be brought into account in the distribution of the residue.