

this stipulation was illegal, and that the consideration being bad in part, the securities were void altogether.

WILL CONSTRUCTION.—GIFT TO CLASS.—SUBSTITUTIONARY GIFT TO CHILD OF MEMBER OF CLASS WHO SHALL DIE IN TESTATOR'S LIFETIME.—CHILD OF MEMBER WHO WAS DEAD AT DATE OF WILL.

In re Chinery, Chinery v. Hill, 39 Chy. D. 614, the construction of a will was involved. The testator had bequeathed a share of his estate upon trust to invest the principal moneys and pay the income to his sisters and nieces for life for their separate use, and after the death of each sister to apply her share for the benefit of his nieces equally upon the trust of their original shares; "and after the death of each niece, upon trust, to pay her share to each of her children as she shall by will appoint, and in default of appointment to her children equally on attaining twenty-one years, and if no such children, then on trust for the survivors or survivor of my said nieces. If my niece shall die in my lifetime her share shall be for the benefit of her child or children, but if no such children who shall attain twenty-one, then such share shall be for the benefit of my surviving nieces equally upon the same trusts." The question was whether the child of a niece who died before the date of the will was entitled, and Stirling, J., following *Christopherson v. Naylor*, 1 Mer. 320, and dissenting from *In re Smiths' Trust*, 5 Chy. D. 497 *n*, held that she was not; although at the same time saying that, apart from authority, the inclination of his opinion would be in favor of following the decision of the late Master of the Rolls in the latter case.

MARRIED WOMEN'S PROPERTY ACT, 1882 (R.S.O. c. 132, s. 5, s.s. 2, 3, 20).—INTEREST OF MARRIED WOMAN IN FUND SETTLED ON FORMER MARRIAGE.

In re Onslow, Plowden v. Gayford, 39 Chy. D. 622, involves a question under the Married Women's Property Act, 1882 (R.S.O. c. 132). By a marriage settlement made in 1878, a fund was settled to pay the income to the wife for life, and during her then intended coverture, for her separate use, and after her death the fund was to be held, in default of children in trust, for such person as the wife should, during coverture by will, and when discoverd by deed or will, appoint, and in default, if the wife should survive the husband, in trust for her, her executors, administrators, and assigns. The husband died in 1880, and there was no issue of the marriage. In 1887, the wife married again, and the question now raised, was whether the wife was entitled to an absolute transfer of the fund, and Stirling, J., held that she was.

MARRIED WOMAN.—UNDISPOSED OF SEPARATE PERSONAL ESTATE.

In re Lambert, Stanton v. Lambert, 39 Chy. D. 626, may be referred to as showing a slight difference between the English Married Women's Property Act, 1882, and the R.S.O. c. 132. Under the former, as appears from this case, the husband is entitled to the undisposed of separate property of his deceased wife, as if the separate use created by the statute had never existed. But under R.S.O. c. 132, s. 23, where the wife leaves children, her undisposed of separate estate is to be distributed in the same proportions between the husband and