

REVIEW OF CURRENT ENGLISH CASES.

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WILL—CONSTRUCTION—LEGACY TO SERVANTS—YEAR'S WAGES.

In re Ravensworth, Ravensworth v. Tindale (1905) 2 Ch. 1. A testator had bequeathed "to all my servants who should be in my employment at my death, and shall have been in my employment for five years previously thereto of one year's wages, and of all death duties thereon in addition to any wages which may be accruing or owing to any of them and unpaid by me at my death," and the question was whether this bequest enured to the benefit of domestic servants employed at a yearly wage, and also outdoor employees employed at a weekly wage paid monthly or fortnightly with corresponding conditions as to notice to determine the employment, and an application was made by the executors for the opinion of the Court as to whether the latter class of servants were entitled to the benefit of the bequest. Joyce, J., on the authority of *Blackwell v. Pennant*, 9 Ha. 551, held that only those servants who were hired by the year were entitled, and this decision was affirmed by the Court of Appeal (Lord Alverstone, C.J., and Williams and Stirling, L.JJ.). The chief justice thought that it was desirable that the authorities should be considered by the House of Lords, but that having been so long acquiesced in they ought not to be overruled by the Court of Appeal. Williams, J., thought independently of the cases he would have arrived at the same conclusion, but Stirling, J., doubted whether he would have done so.

COSTS—DISCRETION—DEPRIVING A SUCCESSFUL DEFENDANT OF COSTS—RIGHT OF APPEAL—RULE 976—(ONT. RULE 1130).

King v. Gillard (1905) 2 Ch. 7 was an appeal on the question of costs. The action had been dismissed as against the appellant without costs by Kekewich, J., the reason assigned for depriving him of costs being that he had, in offering his goods for sale to the public, untruly represented that they had been awarded medals at public exhibitions, which appeared to the learned judge to be "distinct dishonesty which the Court ought to reprobate," but the Court of Appeal (Williams, Romer, and Stirling, L.JJ.), considered that the act which Kekewich, J., had characterised as dishonest might have been a mere inadvertence,—but even if the statement were untrue it was not a ground for