

## REVIEW OF CURRENT ENGLISH CASES.

(Registered in accordance with the Copyright Act.)

### ACTION IN REM—ACTION AGAINST PERSON—PUBLIC BODY— STATUTE OF LIMITATION.

*The Burns* (1907) P. 137 was an action in rem against a vessel to recover damages for a collision. The owners were a municipal body and set up a statute limiting the time for bringing actions for tort against them to within six months next after the act complained of, but Barnes, P.P.D., held that limitation did not apply to an action in rem, and his ruling was affirmed by the Court of Appeal (Collins, M.R., and Cozens-Hardy, and Moulton, L.JJ.)

### WILL—CONSTRUCTION—"RESIDUARY LEGATEE"—RESIDUARY DE- VISE—SPECIFIC DISPOSITION OF REAL ESTATE AT DATE OF WILL —SUBSEQUENT ACQUISITION OF REALTY—INTESTACY.

*In re Gibbs, Martin v. Harding* (1907) 1 Ch. 465. Joyce, J., was called on to construe a will whereby a testatrix specifically disposed of all the real estate she owned at the date of her will, and thereby named Emily Jane Harding her "residuary legatee." After the date of the will the testatrix acquired other lands, and the question was whether "the residuary legatee" was entitled thereto. The testatrix, had by the will given freehold cottages "free of legacy duty" and she had "bequeathed" other freehold property, but Joyce, J., was of the opinion that as at the date of the will the testatrix had no realty which was not specifically disposed of, the use of words did not indicate sufficiently an intention that "the residuary legatee" was to be also the residuary devisee; he therefore held that there was an intestacy as to the after acquired realty.

### WILL—LEGACY PAYABLE BY INSTALMENTS ON LEGATEE ATTAIN- ING SPECIFIED AGE—NO GIFT OVER—DEATH OF LEGATEE BEFORE ATTAINING SPECIFIED AGE—VESTING—INCOME.

*In re Couturier, Couturier v. Shea* (1907) 1 Ch. 470. In this case a testatrix bequeathed a sum of £200 to be set apart for her grandson James, £150 for her grandson John, and £150 for her grandson Fredrick, to be paid respectively as to £50 on