

that in the event of alienation by, or bankruptcy of, a legatee his interest shall cease and determine, applied to acts committed after the date of the will, but before the testator's death; and the question was whether that rule applies generally to all forfeiture clauses, including such as that in the present case of marrying within forbidden degrees; one of the daughters of the testator having married, during the lifetime of the testator, her first cousin. Kekewich, J., came to the conclusion that it did apply; but the Court of Appeal (Williams, Stirling and Cozens-Hardy, LJJ.), determined that it did not, and that the will in question, on its face, shewed that the acts of forfeiture in the testator's contemplation, were acts occurring after his death and, therefore, as to marriage within the forbidden degrees, the clause must be held to apply only to such marriages contracted after his death; the reason why a different rule applies to forfeitures in case of alienation or bankruptcy is, as Lindley, L.J., explained in *Metcalf v. Metcalf*, supra, in order to give effect to the obvious intention of the testator to secure the personal enjoyment by the legatee of the property left to him by the will.

**SETTLEMENT — COVENANT TO SETTLE AFTER ACQUIRED PROPERTY — CONSTRUCTION — ANNUITY.**

*In re Dowding, Gregory v. Dowding* (1904) 1 Ch. 441, involved the question whether a general covenant to settle after acquired property, whether in possession of covenantor or otherwise, affected an annuity for life acquired by the covenantor during coverture. Kekewich, J., held that unless there was something in the covenant expressly making it applicable to such an interest it would not be caught by the covenant. As he points out, if the contrary were the case it would have the effect of necessitating the conversion of each instalment of the annuity into capital so that only the interest thereon alone would have been payable to the cestuis que trust of the settlement, a result which could not be deemed to have been the intention of the parties.

**SEPARATION DEED SETTLEMENT BY SEPARATION DEED ON CHILDREN OF MARRIAGE — RESUMPTION OF CO-HABITATION.**

*In re Spark, Spark v. Massey* (1904), 1 Ch. 451, shews that the general rule that a separation between husband and wife is put an end to by the parties subsequently resuming co-habi-