

by consent of parties. The Court of Appeal in giving judgment in accordance with the consent, intimated that, after hearing the argument of counsel, they were not prepared to assent to all that Warrington, J., had decided.

**WILL—CONSTRUCTION—NEXT OF KIN ACCORDING TO STATUTE—
TIME FOR ASCERTAINING CLASS.**

In re Wilson, Wilson v. Batchelor (1907) 2 Ch. 572. The Court of Appeal (Cozens-Hardy, M.R., and Moulton, and Farwell, L.JJ.), have affirmed the decision of Parker, J., on the construction of the will in question. The testator died in 1884 and by his will gave a life interest in a fund to his nephew Samuel, and certain contingent interests to the children and issue of Samuel, and declared that if no child or issue of Samuel attained a vested interest the fund was to be held "for such person or persons as on the death of my said nephew Samuel will be entitled to (*sic*) as my next of kin under the statute." At the date of the testator's death Samuel was his sole next of kin. Samuel died in 1906 without issue, and made a will appointing executors. Parker, J., held that the date at which the testator's next of kin were to be ascertained was the time of his own death, and not the death of Samuel, and that the executors of Samuel were, therefore, entitled to the fund; and that the words "at the death of my nephew" merely referred to the time when the persons entitled would come into possession.

**LETTERS OF DECEASED PERSON—BIOGRAPHY—USE OF INFORMATION
CONTAINED IN LETTERS FOR WRITING BIOGRAPHY—INJUNCTION.**

Philip v. Pennell (1907) 2 Ch. 577 was an action by the executor of the late J. A. M. Whistler, the celebrated artist, for an injunction to restrain the defendants Pennell from using, for the purpose of a biography they were writing of the late Mr. Whistler, and their co-defendants from printing and publishing information so derived. The plaintiff claimed that she had the sole right of publishing or permitting to be published any letters or other documents written by her testator, and claimed that the Pennells had applied to various friends of the deceased to procure letters or documents written by him being of a private or confidential nature, with a view to publishing