

dated in 1907 gave her residuary estate to trustees "in trust for and to be equally divided between and among the children of my sisters Mary Ann Burns, Clara Davenport and Sarah Pugh, and of my brother William Sales." At the date of the will Mary Ann Burns was a widow nearly sixty-eight years of age: she had married in 1869, having had two children by her husband before marriage, and no other children. She was living with the testatrix at the date of her will and of her death. The testatrix knew all the facts, and was on affectionate terms with the children. The other sisters and brother all had legitimate children living. Eady, J., held that the two illegitimate children of Mary Ann Burns took shares, on the ground that there were not and never could be any legitimate children to answer the description.

TRUSTEE—BREACH OF TRUST—BANKRUPTCY OF TRUSTEE—ACCEPTANCE OF COMPOSITION FROM DEFAULTING TRUSTEE—RETAINER OF SHARE OF DEFAULTING TRUSTEE OF TRUST FUND.

*In re Sewell, White v. Sewell* (1909) 1 Ch. 806. In this case a trustee who had also a beneficial interest in a share of the trust estate, misappropriated part of the trust fund. He was subsequently declared a bankrupt, new trustees were appointed and they, with other creditors of the bankrupt, accepted a composition approved by the court, in full discharge of their debts. Subsequently the trust estate became divisible and the trustees claimed the right to retain the bankrupt trustee's share to answer the loss he had occasioned to the trust fund, but Parker, J., held that the acceptance of the composition extinguished the debt, and that the bankrupt was consequently entitled to have his share paid to him.

WILL—GIFT TO CLASS—INQUIRY AS TO PERSONS ENTITLED TO LEGACY—COSTS OUT OF WHAT FUND PAYABLE.

*In re Vincent, Rohde v. Palin* (1909) 1 Ch. 810. By a rule of the court "costs of inquiries to ascertain the person entitled to any legacy, money or share, or otherwise incurred in relation thereto, shall be paid out of such legacy, money or share, unless the judge shall otherwise direct." In this case a testator devised and bequeathed his residuary real and personal estate to trustees for sale and conversion and to invest the proceeds after payment thereof of his funeral and testamentary expenses, debts and legacies, and pay the income to his wife and after her death to raise certain legacies and also a sum of £6,000 which he be-