

PRACTICE—COMMISSION—EXAMINATION OF WITNESSES ABROAD—LETTERS OF REQUEST.

In *Ehrmann v. Ehrmann* (1896) 2 Ch. 611, Stirling, J., granted an order for a commission and letters of request to the German Courts to take the evidence of certain witnesses, unless the defendant would make certain admissions. The action was for the dissolution of a partnership on the ground that the defendant had bribed certain carriers in England to give him the names of persons to whom they carried goods on behalf of certain German merchants, in order to enable the travellers of the partnership to apply to such persons for their custom, which conduct it was alleged had had the effect of bringing the firm into disrepute. The books of the carriers which covered the period in question had been destroyed, and the evidence sought by means of the commission was merely of a corroborative nature, and the Court of Appeal (Lindley and Lopes, L.JJ.) considered that a commission ought not to be issued merely for the taking of such evidence. Lopes, L.J., says, "I think that in order to justify the issue of a commission it ought to be clearly made out that the evidence abroad which it is sought to obtain is material, and directly material, to the case in hand—not merely evidence which incidentally might be useful."

CHARITY—WILL—OPTION TO INVEST ON GOVERNMENT OR REAL SECURITIES—EXERCISE OF OPTION—BEQUEST TO CHARITY IN REMAINDER.

In *re Hamilton, Cadogan v. Fitzroy*, (1896) 2 Ch. 617, a testatrix had bequeathed the residue of her pure personal estate upon trust to convert it into money, and invest the proceeds in government and real securities, and pay the income to her daughter for life, and on her death to apply the capital for the benefit of certain charities. The trustees exercised the option of investing part of the fund in real securities during the lifetime of the tenant for life, and it remained so invested at her death, and the question Kekewich, J., was called on to decide was whether their exercise of the option in that way had the effect of invalidating the bequest in favor of the charities as to so much of the fund as had been thus