

objects as the trustees may in their uncontrolled discretion from time to time determine." The trustees applied for leave to apply the income to medical charities in Scotland, but Joyce, J., held that the charity must be administered, and the scheme carried into effect, within the jurisdiction of the court, and could not be applied to any charities in Scotland.

WILL—CONSTRUCTION—GIFT TO A., B., C., AND THEIR CHILDREN—
GIFT OVER ON DEATH OF A., B., C., LEAVING NO CHILDREN—
REALTY—CHATTELS REAL—EXECUTORY BEQUEST OR LIMITA-
TION OVER ON DEATH OF PARENT—RULE IN *WILD'S CASE*.

In re Jones, Lewis v. Lewis (1910) 1 Ch. 167 may be considered as an illustration of the benefit which sometimes accrues to the profession "from the jolly testator who makes his own will." In this case he succeeded in so framing his testamentary wishes as to raise sundry nice points, and though probably blissfully ignorant of the rule in *Wild's case*, or the intricacies of the law respecting substitutional gifts, or gifts in succession, or executory devises and bequests, yet he nevertheless managed to stumble into them in such an inartificial way that no meaning could be given to his intentions without the assistance of a court of law. By the will in question leasehold and real estate were given to his wife for life and after her death "whatever may be left" after discharge of all claims against the estate, was given to his children in the following proportions 2-5 to his son and 3-5 to his two daughters in two equal shares, "and to the child or children of the three said children. In case of any of my children dying and bearing no legal issue, the share or shares of those dying to be given to the surviving child or children of such as will be dead—my daughters' and granddaughters' shares to be independent and free from all husbands." His wife survived the testator; only one of the grandchildren was born during her life. An application was made by the three children for the determination of their interests. It was contended that under *Wild's case* they took a fee tail in the realty, and as to the personalty that the gift to the children was concurrent, and consequently only the grandchild born in the lifetime of the tenant for life was entitled to share, and those children who had no issue at the death of the tenant for life were consequently entitled absolutely. Joyce, J., however, held that no child was entitled at present to his or her share absolutely, but that each share upon the death of the child was subject to an executory bequest or limitation over to his or her