

## DIGEST OF THE ENGLISH LAW REPORTS.

in the judgment debt, which by statute only bore four per cent. interest.—*In re European Central Railway Co. Ex parte Oriental Financial Corporation*, 4 Ch. D. 33.

## JURISDICTION.

The court of chancery has no jurisdiction to sell chattels settled in strict settlement, although the sale would be for the benefit of all parties interested.—*D'Eyncourt v. Gregory*, 3 Ch. D. 635.

LAPSE.—See LEGACY, 9.

## LAW, MISTAKE OF.

An executor and a legatee severally took the advice of their counsel upon the construction of the will, and in accordance with the opinions they received the executor transferred and the legatee received a certain share of the bequeathed property. Two years later, said legatee filed a bill against the executor and another legatee, alleging that on the true construction of the will she was entitled to a larger sum than that which she had received, and praying repayment from the other legatee. *Held*, that the bill could not be maintained.—*Rogers v. Ingham*, 3 Ch. D. 351.

LAY DAYS.—See CHARTERPARTY, 1.

## LEASE.

A testator gave to trustees a tithe rent-charge to which he was entitled on a twenty-one years' lease, which was renewed in practice every seven years on payment of a fine, upon trust to renew the lease out of the proceeds of the tithes, and divide the surplus equally during the life of his wife between her and the testator's grandchildren; and after his wife's decease said tithes were to form part of the testator's residuary estate. The trustees were given power to sell the rent-charge. The lease ceased to be renewable. The trustees accumulated a renewal fund from the income. *Held*, that the trustees must sell the leasehold interest and apply the income of its proceeds and of said renewal fund for the benefit of those entitled during the life of the testator's widow. *Maddy v. Hale*, 3 Ch. D. 327.

## LEGACY.

1. Bequest "to each of the three children of my niece L. of one thousand pounds." At the date of the will L. had three children living and a fourth *en ventre sa mère*. The testatrix died before the birth of the fourth child. *Held*, that the three children born at the date of the will only were entitled to legacies.—*In re Emery's Estate. Jones v. Emery*, 3 Ch. D. 300.

2. A testator bequeathed all his household furniture which should be in his capital messuage at his death to trustees in trust to permit the same to be enjoyed as heirlooms with said messuage. The testator, who was occupying shortly before his death a house not his own, moved his furniture to his said messuage with the intention of leaving it there; but the tenant of the messuage, which was then under lease, refused to permit the furniture to be placed in the house during his tenancy, and it was accordingly stored in farm buildings belonging to the testator. *Held*, that said furniture in the farm buildings passed under said bequest.—*Rawlinson v. Rawlinson*, 3 Ch. D. 302.

3. Bequest of "all my personal property, all sums of money which I may possess, or may be owing to me at the time of my decease, together with all the furniture, farming implements, stock, and crop, belonging" to the testator's estate. *Held*, that the legacy was not specific.—*Fairer v. Park*, 3 Ch. D. 309.

4. A testator held £1500 upon trust to pay the interest of £1000 to his sister E. for life, and after her death in trust for her children, with a similar trust as to the remaining £500 for his sister A. By his will the testator directed that £1000 should be paid to his sister E. and £500 to his sister A. *Held*, that the bequests to E. and A. were not to be taken in satisfaction of the sums held by the testator in trust for said legatees.—*Fairer v. Park*, 3 Ch. D. 309.

5. A testatrix directed her debts and funeral and testamentary expenses and the legacies thereby bequeathed, to be paid by her executors; and after bequeathing certain pecuniary legacies and specific articles, she made a specific devise, and then gave her residuary real and personal estate to A. and B. upon certain trusts, and appointed A. and C. her executors. *Held*, that the residuary real estate was charged with the legacies, although the executors, who were not the trustees of the will, were directed to pay such legacies.—*In re Brooke. Brooke v. Rooke*, 3 Ch. D. 630.

6. A testator gave his real and personal property to his wife for life, and directed the principal to be equally divided after his wife's death "amongst all my family that shall be then living, when they shall attain the age of twenty-one years." At the date of the will, the testator's wife and seven children were living, some twenty-one, some under that age, and one married and having children. At the death of the wife, three children were surviving; two had died unmarried; one had died leaving a widow; and one had died leaving a widow and children. *Held*, that the testator's children could alone take under the words "my family."—*Pigg v. Clarke*, 3 Ch. D. 672.

7. A testator directed that his debts and funeral expenses should be paid by his executors "from money or promissory notes, or bills due at the time of my decease at the bank and elsewhere, the remainder to be equally divided to my surviving children." There were previous gifts in the will of various portions of the testator's property. *Held*, that the above gift of the remainder only included the remainder of said money notes and bills, and was not a general residuary gift.—*Jull v. Jacobs*, 3 Ch. D. 703.

8. A testatrix bequeathed to each of the three children of "Mrs. W., widow of the late W.," £100. At the date of the will the said Mrs. W. had been married for fifteen years to a second husband, to the testatrix's knowledge, and had had by him six children. By her first husband she had had five children of whom two were living at the date of said will. *Held*, that said two children by the first husband were alone entitled to the legacy.—*Newman v. Piercey*, 4 Ch. D. 41.

9. Legacy from B. to "the executors or executrix of C., the sum of £100." At the date of B.'s will C. was dead, and in his will had appointed an executor and two executrices, all of whom predeceased B. It was contended that B. had made a gift to *personæ designatæ*, and that by their death the legacy lapsed. *Held*, that the legacy was given to the legal personal representatives of C. and did not lapse.—*Trethcy v. Helyar*, 4 Ch. D. 53.

10. A bequest of "foreign bonds" by an Englishwoman, was held not to include bonds issued by the colony of New South Wales.—*Hull v. Hull*, 4 Ch. D. 97.

See ANNUITY, 1; APPOINTMENT, 3; CHARITY; CONTINGENT REMAINDER; DEVISE; ELECTION; ILLEGITIMATE CHILDREN; LAW, MIS-