

v. *Morley*, 20 Q.B.D. 132, he obtained an order for her examination as to her separate estate. On this examination she disclosed that she had made an assignment of the arrears of income on her separate property which were due to her, and the plaintiff then issued a subpoena for the examination of the alleged assignee. The Court of Appeal (Smith and Rigby, L.JJ.) were of opinion that there was no jurisdiction to examine any one but the debtor under Ord. xlii. r. 32, and upheld the order setting aside the subpoena. We may note that under Ont. Rule 928, in a similar case, the examination of an assignee seems to be expressly authorized, and therefore that this decision cannot be taken as determining the practice under like circumstances in Ontario.

WILL—CONSTRUCTION—LEGACY—CHARITABLE BEQUEST—"CHARITABLE, PHILANTHROPIC, OR——"—BLANK IN WILL.

*In re Macduff*, *Macduff v. Macduff*, (1896) 2 Ch. 451, a testator bequeathed money "for some one or more purposes, charitable, philanthropic, or——." Two questions were argued, first as to whether the blank left in the will did not invalidate the bequest for uncertainty, and secondly, assuming that it did not, whether the words used were sufficient to constitute a valid charitable bequest. The Court of Appeal (Lindley, Lopes and Rigby, L.JJ.) agreed with Grantham, J., that the blank created no difficulty, but that the will was to be read as if instead of leaving a blank the testator had said "or of such other nature as I may hereafter name by codicil," and that the omission to name any other purpose left the bequest to be devoted to the purposes actually named. And on the second point they also agreed with him, that the word "philanthropic" was not necessarily a charitable purpose, and that the words used were too indefinite to support the gift. Lopes, L.J., cites from Sir W. Grant, M.R., in *James v. Allen*, 3 Mer. 17, 19, the rule applicable to the case. "The whole property might consistently with the words of the will have been applied to purposes strictly charitable. But the question is what authority would this Court have to say that the property must not be applied to purposes however benevolent,