extend the power of the court to order discovery in cases of a totally different character ought to be very carefully checked, and certainly not encouraged. Nowadays a man cannot run over another in the street without there being an application for an affidavit of documents. An undue extension of an old and just principle has given rise to an enormous expense and great oppression." These observations are true as regards our own practice, and it may be well doubted whether the unrestricted extension of the right of discovery to all sorts of cases was a wise proceeding, and in the real interest of litigants.

WILL.—CONSTRUCTION—CONTINGENT REMAINDER OR EXECUTORY DEVISE—CESSER OF LIFE ESTATE ON BEING TAKEN IN EXECUTION—EQUITABLE EXECUTION.

Blackman v. *Fysh* (1892), 3 Ch. 209, was a case involving two questions upon the construction of a will. The testator had devised a freehold estate to his son for life, and after his death among all the children of the son born or to be born who should live to attain 21 in equal shares as tenants in common in fee. By a subsequent clause he directed that if the estate devised to the son "should be taken in execution by any process of law for the benefit of any creditor or creditors" the son's estate should cease, as if he were dead, and the estate thenceforth should "absolutely vest in the person or persons who under the devises and limitations hereinbefore contained would be next entitled thereto." A judgment for debt having been recovered against the son who was in possession, the judgment creditor obtained the appointment of a receiver of the rents. At this time the son had two sons, one of age and one under age, and he afterwards had other children. The first question was whether the appointment of the receiver worked a cesser of the son's life estate, and Kekewich, J., held that it did, and from his decision on this point there was no appeal. The other question was whether the estates limited were, on the cesser of the son's life estate, contingent remainders or executory devises. Kekewich, J., held that as they did not take effect on the natural determination of the prior estate they were not contingent remainders, but executory devises, and took effect in favour of all such children of the son, whenever born, as attained twenty-one; and on this point his decision was affirmed by the Court of Appeal (Lindley, Lopes, and Smith, L.JJ.).