

greatest benefactors of the human race, who, in obedience to such a call or command (as they have believed), have devoted their lives to mitigating the misery of the world and endeavouring to raise mankind to a higher life and a better conception of their duties on earth." As we have already pointed out, however, at this stage of the case it was merely a question of pleading, and it by no means follows that the case of the plaintiff will succeed, unless the evidence should prove very much stronger in effect than the allegations in the pleading.

**WILL—CONSTRUCTION—GIFT OVER—PERIOD OF VESTING—ISSUE.**

*Hickling v. Fair* (1899) A. C. 15, was an appeal in another Scotch case, but it deals with a question arising on the construction of a will, in which the law of Scotland is in accordance with the law of England. By the will in question the testator bequeathed to his three daughters, in equal shares, the life-rent of a sum of £36,000. In the event of a daughter dying, leaving issue, the testator directed £12,000, being one-third of the said sum of £36,000, to be divided equally amongst such issue; but in the event of a daughter dying without issue, the interest she would have been entitled to was to be divided between the surviving daughters, or paid to the last surviving daughter, during their lives or life; and the share of the capital of £36,000, which would have been divisible between the issue (if any) of a deceased daughter leaving issue was directed to be divided between the issue of the surviving daughters or daughter leaving issue. There was no disposition of the fund in the event of none of the daughters leaving issue. The testator died in 1865, leaving his three daughters surviving. One of the daughters died in 1895. Four children were born of her marriage, two of whom predeceased her, and the question was whether the representatives of the two latter children were entitled to a share of the capital to which their parent had been entitled to the income of. This depended on the question when the interest of those entitled in remainder on the death of the life-tenant vested. The majority of the House of Lords (Lords Halsbury, L.C., and Shand and Davey) were of opinion that the children of the daughters who were in esse at the death of the testator took vested interests, and that consequently the representatives of the two deceased children of the deceased