

REVIEW OF CURRENT ENGLISH CASES.

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WILL—DESTRUCTION OF WILL IN TESTATOR'S PRESENCE WITHOUT HIS AUTHORITY—SUBSEQUENT RATIFICATION INADMISSIBLE—WORDS MISSING FROM WILL—PROBATE.

Gill v. Gill (1909) P. 157 was an action for a grant of probate of a will which had been torn in pieces in the presence of the testator, but without his authority; the pieces had been kept and again put together but some few words were missing. Deane, J., granted probate with a memorandum annexed stating what the missing words were proved to have been. Notwithstanding the tearing of the will in pieces, the testator treated and referred to it as still existing, and the learned judge states that no subsequent ratification of an act done originally without authority would be effectual; but that it would still be necessary for the testator to formally revoke the will in the manner provided for by the Wills Act if he wished to revoke it.

CHARITABLE BEQUEST — "CHARITABLE, RELIGIOUS OR OTHER OBJECTS IN CONNECTION WITH THE ROMAN CATHOLIC FAITH" — UNCERTAINTY.

In re Davidson, Minty v. Bourne (1909) 1 Ch. 567. By his will a testator bequeathed his residuary estate "in trust for the Roman Catholic Archbishop of Westminster for the time being, to be distributed and given by him at his absolute discretion between such charitable, religious or other societies, institutions, persons or objects in connection with the Roman Catholic faith in England as he in his absolute discretion shall think fit." On a summary application to Eady, J., he held the gift was not a good charitable gift and was void for uncertainty. The Court of Appeal (Cozens-Hardy, M.R. and Farwell and Kennedy, L.J.J.) considered that under the words giving the trustee absolute discretion to distribute the fund "between such charitable, religious or other societies, persons or objects in connection with the Roman Catholic faith" it would be competent for the trustee to apply the fund to purposes neither religious nor charitable, and therefore the bequest failed for uncertainty, e.g., as Farwell, L.J., points out the money might be applied to a merely contem-