

DIGEST OF THE ENGLISH LAW REPORTS—ORDERS OF COURT OF APPEAL.

VIS MAJOR.—See ACT OF GOD.

VOLUNTARY SETTLEMENT.

W. executed by indenture a voluntary conveyance of land; and the grantee covenanted that he would cause to be built upon the land such a dwelling-house as he should think fit. Subsequently W. contracted to sell the land to the plaintiff, who brought a bill for specific performance. *Held*, that, as the indenture contained no power of re-entry or penalty enforcing the covenant of the grantee, there was nothing binding in his contract, and the indenture was therefore a mere voluntary settlement; and that the plaintiff was entitled to a decree for specific performance.—*Rosher v. Williams*, L. R. 20 Eq. 210.

WARRANT.—See LIEN.

WATER.—See ACT OF GOD.

WAY.—See GRANT, 2.

WHARFINGER'S CERTIFICATE.—See LIEN.

WILL.

1. A testator bequeathed certain leasehold houses in trust for his children. After his death, it was found that the description of one of the houses on the second page of the will was struck through with a pen, the testator's name being written above the alteration. On the last page of the will a clause was interlined, giving said house to testator's wife. After the signatures of the testator and the witnesses was a memorandum, stating, "In No. 2 page, No. 1, W. Terrace [the above house] is struck out for the benefit of my dear wife." This memorandum was signed by the testator, and duly witnessed. *Held*, that the memorandum sufficiently referred to the interlineation on the last page of the will, and probate was granted to the will with the obliteration and interlineation.—*In the Goods of Treeby*, L. R. 3 P. & D. 242.

2. A testatrix requested two witnesses to sign a paper for her, but did not say that the paper was her will, or that she had signed it; and the witnesses did not see her signature on the paper. There was not a complete attestation-clause, but only the words, "witness my hand this 28 May, 1873." Probate was refused on the ground of insufficient attestation.—*Fischer v. Popham*, L. R. 3 P. & D. 246.

3. Two wills were prepared for two sisters. By mistake the deceased signed the will prepared for her sister. The wills were nearly, but not quite identical. Probate refused.—*In the Goods of Hunt*, L. R. 3 P. D. 250.

See ADEPTION; ANNUITY; CONDITION; DEVISE; LEGACY; VENDOR AND PURCHASER.

WORDS.

"Die leaving issue."—See DEVISE, 2.

"Die without issue."—See DEVISE, 2.

"Land."—See RAILWAY, 2.

"Leaving no issue."—See DEVISE, 3.

"Lying-Days."—See CHARTER-PARTY, 2.

"Place used for public entertainment or amusement."—See LORD'S DAY.

"Their Death."—See LEGACY.

COURT OF APPEAL.

ORDERS AS TO COUNTY COURT APPEALS.

February 25th, 1876.

Appeals from County Courts shall be heard at the sittings of the Court of Appeal next after the giving of the decision appealed from, unless otherwise ordered by the Court of Appeal or a Judge thereof.

The appellant shall set down the appeal for hearing, by delivering to the Registrar of the Court of Appeal, at least fourteen days before the sittings at which the matter is to be heard, four appeal books for the use of the Judges of the Court of Appeal. Such appeal books shall, if written, be written on brief paper, and on only one side of the paper; and if printed, shall be printed on good paper, on one side of the paper only, and in demy-quarto form, small pica type leaded. And each book shall contain a copy of the pleadings, evidence, and other matters which have been certified by the Judge of the Court appealed from, together with the appellant's reasons of appeal. The copy, certified by the Judge in pursuance of the statute, may be accepted as one of the four appeal books, if it complies with the above mentioned requisites.

The appellant shall at least eight days before the sittings at which his appeal is to be heard, serve the respondent with notice of the setting down of the appeal, and with a copy of his reasons of appeal.

Unless the foregoing rules are complied with, the appeal shall not be heard, unless the Court shall, on application made upon two days' notice to the respondent, otherwise order.

The costs to be taxed and allowed upon appeals from County Courts shall be on the same scale as heretofore allowed upon appeals to the Courts of Queen's Bench and Common Pleas.

W. H. DRAPER, C. J.
GEO. W. BURTON, J.
G. J. PATTERSON, J.
THOMAS MOSS, J.