REVIEW OF CURRENT ENGLISH CASES.

WILL—CONSTRUCTION—VESTED LEGACIES—INTEREST UNTIL PAYMENT—GIFTS TO PERSONS BORN BEFORE DATE OF WILL—INFANT EN VENTRE SA MERE—PAYMENT INTO COURT BY TRUSTEES—TRUSTEE ACT, 1893, (56-57 VICT. C. 93) S. 42—(R.S.O. C. 336, S. 4(3)).

In re Solaman De Pass v. *Sonnenthal* (1907) 2 Ch. 46. The testator had left a number of legacies of £500 to each of his great nephews and great nieces "born previously to the date of this my will." He then gave his residuary estate to trustees upon trust for sale or conversion, and, after payment of debts and testamentary expenses, to divide the surplus as therein mentioned. A large number of the legatees were infants, and the will declared that all legacies should carry 4 per cent. interest. The trustees were desirous of appropriating a certain part of the estate to meet the legacies, and they also desired the opinion of the Court as to whether a great niece, who was en ventre sa mère at the date of the will, was entitled to a legacy; and Kekewich, J., held that the trustees could not free the residuary estate by setting apart proper securities to meet the legacies, but they could pay the legacies into Court under s. 42 of the Trustee Relief Act, 1893. (R.S.O. c. 336. s. 4(2)) when the clause as to interest would cease, and as to the child en ventre sa mère, he held that she was not entitled to a legacy, as the persons whom the testators intended to benefit, were persons of whose existence he knew, and who in the ordinary sense of the word were "born" at the date of his will.

WILL—EXPRESS TRUST OF RESIDUE—PARTIAL FAILURE OF BENEFICIAL INTEREST—NEXT OF KIN—ADVANCEMENTS BY TESTATOR TO CHILDREN—HOTCHPOT—STATUTE OF DISTRIBUTION (22-23 CHAS. II. C. 10) S. 5—(R.S.O. C. 335, S. 2.).

In re Roby, Howlett v. *Remington* (1907) 2 Ch. 84. The doctrine that the Statute of Distribution, s. 5 (R.S.O. c. 335, s. 1), does not apply in cases where there is only a partial intestacy, was reaffirmed by Neville, J., in this case. By a will