

RECENT ENGLISH DECISIONS.

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Will.—4. A testator gave several charitable legacies, including one of £1000 to a hospital in N., and then said: "I direct that my executors shall apply to any charitable... purpose they may agree upon, and at any time, the residue of the personal property, which by law may be applied to charitable purposes, remaining after the payment of the legacies." By a codicil, he gave another £1000 to the hospital at N. The executors voted to give the residue under the above clause to that hospital. *Held*, that the directions to the executors in the gift were so vague as to render it invalid, and the residue went to the next of kin.—*In re Jarman's Estate. Leavers v. Clayton*, 8 Ch. D. 584.

5. H., by his will, devised, *inter alia*, his manor-house of D., and all his "messuages, tenements, lands, and hereditaments situate at or within D., and then in the occupation of J.," and all his lands situated at S. G., then or late in the occupation of S. He had three farms situated wholly or partly in the parish of D., two of them in the occupation of J. Of the first, the farm-house and fifteen closes were in D.; the remaining close was in I., separated by a hedge. Of the second, the farm-house and eight closes were in D.; the remaining three closes were in K., separated from D. by a road. The third was entirely in D., and in the occupation of G. He had two farms at S. G., one in the occupation of S., and the other in the occupation of J. The parish church of D. was within a few feet of the line between D. and K. There was evidence that the farms would be much injured by dividing them on the parish lines. *Held*, that the devise of lands situate at or within D., and in the occupation of J., included the entire farms so occupied, though partly in other parishes, and that the devise of "all" the lands in S. G. in the occupation of S. did not include a farm there in the occupation of J.—*Homer v. Homer*, 8 Ch. D. 758.

6. W. directed his debts to be paid out of his personal estate, and, if that proved insufficient, the real was to be sold. All the rest and residue of his personal estate he bequeathed to his daughters. By a codicil, he made some alteration in the disposition of his real estate, and then said: "As to all moneys that may be left after my decease, I give and bequeath the

same unto my children, W., J., and M.," to be invested in a mortgage, the income to be paid them for life, and, "after their decease," to testator's grandchildren. *Held*, that this clause in the codicil applied only to cash actually in hand at the testator's death, and, subject to that, the residuary clause in the will proper conveyed the residue.—*Williams v. Williams*, 8 Ch. D. 789.

7. A testator devised to trustees three freehold houses in trust for his two daughters, either to live in or to let for their joint benefit; and, should either of them die without issue, one of the houses should be sold, and the proceeds divided equally between the other and testator's surviving sons. But, in case either daughter should have a child, then such child should have its mother's share of the rents and profits of the three houses after its mother's decease. One daughter died without issue, and one house was sold, and the proceeds divided as directed in the will. Finally, the other daughter died, also without issue. *Held*, that the daughters were joint tenants in fee, subject to executory gifts over in the event of issue. The event having never happened, the survivor was entitled to the whole in fee from the death of her sister.—*Yarrow v. Knightly*, 8 Ch. D. 736.

A ROYAL OUTLAW.—The King of Spain was outlawed in Westminster Hall, I being of counsel against him. A merchant had recovered costs against him in a suit, which, because he could not get, we advised to have him outlawed for not appearing, and so he was. As soon as Gondemar heard that, he presently sent the money, by reason, if his Majesty had been outlawed, he could not have had the benefit of the law, which would have been very prejudicial, there being then many suits depending betwixt the King of Spain and our English merchants.—*Selden's Table Talk*.

CHARLES I.—Laud relates in his Diary, that when he was standing one day during dinner near his unfortunate master, then Prince Charles, the Prince, who was in cheerful spirits, talking of many things as occasion offered, said, "that if necessity compelled him to choose any particular profession of life he would not be a lawyer, for", said he, "I can neither defend a bad cause, nor yield in a good one."