health appointed the bulk of her property in favor of a volunteer, by a deed which was drawn by his solicitor at his costs, and which reserved no power of revocation. It was sworn that she was told that the deed was irrevocable, but her subsequent acts indicated that she was not aware of the fact. *Held*, that the deed must be cancelled. Where under such circumstances the volunteer's solicitor is employed, it is his duty to insist upon the insertion of a power of revocation The want of one is a strong ground for setting aside the deed.—*Coutts* v. *Acworth*, L. R. 8 Eq. 558.

Ward of Court—*See* Solicitor.

Watercourse—*See* Fishery.

Way—*See* Dedication.

Will.

1. A codicil concluded as follows: "I give my wife the option of adding this codicil to my will or not, as she may think proper or necessary." The wife elected against the codicil, whereupon it was not included in the probate. —*Goods of Smith*, L. R. 1 P. & D. 717.

2. A testator gave real and personal estate to A., charged with the payment of annuities to the testator's six children, "or their heirs respectively." One of the children was dead at the date of the will. *Held*, that her statutory next of kin were entitled. The annuity was personal estate. — *Parsons* v. *Parsons*, L. R. 8 Eq. 260.

3. A testator left a residue to trustees, to collect, &c., and then to divide the whole among his four children, A., B, C. and D., "with benefit of survivorship in case any of them should die without issue;" and if any of them should die leaving children, the share of him so dying to go to such children. A., B., C. and D all survived the testator. *Held*, that they took indefeasible interests. Dying in the lifetime of the testator was meant.—*Bowers* v. *Bowers*. L. R. 8 Eq. 283.

4. A testator gave a residue to trustees to assign, &c., to, &c., such child or children of M. as should be living at testator's decease, to be equally divided among them, if more than one, when they should attain the age of twenty-one, and if there should be but one who should attain the age of twenty-one, then the whole to such child. The trustees had a power of maintenance during the minority of the children, and during the suspense of absolute vesting were to accumulate the rest of the income for the benefit of the persons who should become entitled to the principal. *Held*, that no child of M. who did not attain twenty-one could take a vested interest.—*Merry* v. *Hill*, L. R. 8 Eq. 619.

5. Testator bequeathed a legacy to his first cousins, to be equally divided between them. The shares of those "who may die in my lifetime, unto all and every the children of all my first cousins who may so die in my lifetime, share and share alike, such shares to be taken *per capita* and not *per stirpes*." *Held*, that the children of a first cousin, who had died before the date of the will, took nothing by the legacy.—*In re Hotchkiss's Trusts*, L. R. 8 Eq. 643.

6. A testator directed his executors, after the death of his wife, A., to invest one-sixth of a residue in an annuity during the life of B. for his support; and in case B. should anticipate, assign, charge or encumber the annuity, or become a bankrupt or insolvent, the annuity was to go to the other residuary legatees. B. died in A.'s lifetime, without having assigned &c., or become bankrupt, &c. *Held*, that the gift to B. failed, and that that one-sixth was undisposed of at A.'s death.—*Power* v. *Hayne*, L. R. 8 Eq. 262.

7. A testator made a gift of "all my ready money, bank and other shares, freehold property, ... and any other property that I may now possess." *Held*, that personal property acquired after the date of the will passed by the bequest.—*Wagstaff* v. *Wagstaff*, L. R. 8 Eq. 229.

8. A testator holding three messuages in X. by separate leases, and two more in X. and one in Z by one lease, bequeathed his "*four* leasehold messuages in X.," with other tenements in trust out of the rents to pay the ground-rents of the same and of that in Z, and to pay over the surplus. *Held*, that the five messuages passed.—*Sampson* v. *Sampson*, L. R. 8 Eq 479.

9. A., an executor, was entitled to residue X., subject to a legacy to B. in trust for C. No sum was appropriated to the legacy, but A. paid interest on it. B. had, however, invested part of X on mortgage in his own name, with A.'s assent. A. died, leaving a bequest of "all my money and securities for money of every description." *Held*, that B.'s investment did not pass; neither did bank stock nor canal shares; but a part of X. remaining invested on mortgage, in the name of A.'s testatrix, did.—*Ogle* v. *Knipe*, L. R. 8 Eq 434.

10. A. borrowed part of a fund which was settled on him absolutely, subject to a life-estate in his wife if she survived him, and mortgaged his Z. estate for its repayment.