

REVIEW OF CURRENT ENGLISH CASES.

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WILL—LEGAL DEVISE—CONSTRUCTION — TECHNICAL WORDS—ESTATE IN TAIL MALE.

In re Simcoe, Vowler-Simcoe v. Vowler (1913), 1 Ch. 552. This was an application for the construction of a will whereby the testator devised his real estate to the plaintiff, one of his nephews, a bachelor, "and his issue male in succession, so that the elder son and his issue male may be preferred to every younger son and his issue male, and so that every such son may take an estate for his life with remainder to his first and every subsequent son successively according to seniority in tail male, and on failure of such issue" over to another nephew. Eady, J., held that the devisee took an estate in tail male in possession, and he rejected the contention that the devise should be read as a devise to the plaintiff for life with *cypres* remainders to his unborn sons successively in tail with *cypres* remainders over, on failure of those entails.

PRINCIPAL AND AGENT—STOCKBROKER — SPECULATIVE TRANSACTION—DEATH OF PRINCIPAL—CLOSING ACCOUNT — DUTY OF STOCKBROKER — TAKING OVER STOCKS BY STOCKBROKER.

In re Finlay, Wilson v. Finlay (1913), 1 Ch. 565. The Court of Appeal (Cozens-Hardy, M.R., and Buckley, and Kennedy, L.JJ.), have affirmed the decision of Warrington, J. (1913), 1 Ch. 247 (noted ante, p. 223). It may be remembered that the plaintiffs, as brokers, in order to minimise the loss of their client on certain stock transactions on his default had taken over the shares at the current market price, instead of attempting to sell them in the market, which would probably have occasioned a greater loss. This, the Court of Appeal holds, in the circumstances, was a legitimate way of closing the account.

WILL—POWER OF APPOINTMENT—SPECIAL AND GENERAL POWER OVER SAME PROPERTY—EXERCISE OF POWER.

In re Ackerley, Chapman v. Andrew (1913), 1 Ch. 510. In this case the point up for decision was whether a testatrix had executed a special power by her will. Under a will the testatrix had a general power to appoint the trust estate in default of