

thereof, but Joyce, J., held that the carvings did not pass by the bequest of chattels, but having been fixed to the inheritance so as to form part of the house, the proceeds of sale must be treated as capital money subject to the trusts of the settlement.

WILL—SETTLEMENT—POWER—ABSOLUTE INTEREST IN DEFAULT OF APPOINTMENT—EXERCISE OF POWER—"DEVISE, BEQUEATH AND APPOINT"—TRUSTS FOR PERSONS NOT OBJECTS OF POWER—CHILD EN VENTRE SA MERE—POSTHUMOUS CHILD—WILLS ACT, 1837 (1 VICT. c. 26) s. 33—(10 EDW. VII. c. 37, s. 37, (ONT.)).

*In re Griffiths, Griffiths v. Waghorne* (1911) 1 Ch. 246. Two points were decided. First, that where a testator has under a settlement a power of appointment in favour of his children, and in default of appointment the fund belongs absolutely to himself, and he devises and bequeaths and appoints the fund to trustees after payment of his debts and funeral expenses to divide the same equally between his children, the word "appoint" in such a case is not to be construed strictly as an exercise of the power, but as a dealing by the testator with the fund as his own property as he was entitled to do in default of appointment. And the second point was this: One of the testator's sons predeceased him leaving a child who was en ventre sa mère at the time of the testator's death, and Joyce, J., held that under s. 33 of the Wills Act, 1837 (see 10 Edw. VII. c. 37, s. 37 (Ont.)) the legacy to the deceased son did not lapse, but passed under his will, the posthumous child though not born, nevertheless being "living" at the time of his parent's death.

BILL OF SALE—REVERSIONARY INTEREST IN CHATTELS—ASSIGNMENT BY REVERSIONER OF HIS REVERSIONARY INTEREST IN CHATTELS—"CHOSES IN ACTION"—REGISTRATION.

*In re Thynne, Thynne v. Grey* (1911) 1 Ch. 282. This was a question between the assignee of a reversionary interest in chattels and the trustee in bankruptcy of the assignor the latter claiming that the assignment was void as against him for non-registration under the Bills of Sale Act. Neville, J., held that the interest assigned was a mere chose in action and therefore under s. 4 of the Bills of Sale Act, 1878, exempt from the operation of the Act.