Lucas's will (p. 788), which forms a fresh illustration of what Malins, V. C., declares to be a rule of the Court, viz., that where there is a gift to a class of persons, with substitution to their issues in case of their dying—that means whether they are dead when the will is made, or die afterwards—the substituted class take in each case. *In re Potter's Trust*, L. R. 8 Eq. 52, was another case illustrating the same rule; and the present case decides that whether the testator did, or did not know that one of the class of persons was dead at the time the will was made, is immaterial. The next case, *Bland* v. *Dawes*, p. 794, decides that a legacy given to a married woman for her "sole use and disposal" vests in her as separate estate; thus agreeing with the decision in *Prichard* v. *Ames*, T & R. 222, where the words were "for her own use, and at her own disposal," and from these cases may be distinguished those in which the word "sole" is used alone, for the authorities (see per Malins, V. C. p. 797), show that this is not sufficient to confer separate estate.

The next case, *In re Hardy* (p. 798), is also a will case, involving two points (1) the testator having given to his wife "the legacy or sum of £500, which I demand to be paid to her *immediately* after my decease," it was held that this legacy to the wife had priority over all the other pecuniary legacies bequeathed in the will; and *Blower* v. *Morret*, 2 Ves. Sen. 420 was dissented from. "Where a man leaves money to be paid to his wife immediately," says the V. C., "she is not bound to wait until the executors can ascertain the state of the assets." (2) The testator having directed sums of £12,000 and £5,000 to be raised out of his estate, and invested in the securities therein mentioned, and the interest of the £12,000 to be paid to his wife during her life, and the interest of the £5,000 to be paid to his brother and sisters during their lives, and after the death of his wife, brother, and sisters, these sums to fall into the residue of the estate, and having then proceeded to give his brothers and sisters legacies of £6000 and £2000, and other small legacies, it was held the legacies of £12,000 and £5000 had priority over the other legacies. Malins, V. C., in his judgment calls this second point one "of extreme nicety and doubt," but decided it in the above way on the ground that there was sufficient in the general frame of the will to reasonably satisfy his mind that the testator had intended to make and had made such a marked distinction between the legacies in which life interests only were given, and those in which the *corpus* was absolutely given, that the effect of the will was to give priority to the £12,000 and the £5000; and the two marks of this to which he specially alludes are (1) that the testator directed that on the £12,000 and on part of the £5000 interest should be paid to the respective beneficiaries *from the time of his decease;* and (2) that the testator directed the above sums *to be invested in a particular manner.*

The next case of *Havelock* v. *Havelock* at p. 807 requires some notice here, as being in the opinion of the V. C. "in its particular circumstances entirely novel." A testator left property to the value of £10,000 a year, to be *accumulated* for twenty-one years, and then held in trust for Sir H. Havelock, for life, with remainders over to his children in tail; and as Sir H. Havelock was possessed of a moderate income only, which was insufficient for the maintenance and education of his sons, to fit them for their prospective positions in life, Malin's, V.C., ordered that a sum of £2700 per annum should be allowed him for the benefit of the infants. He held the case to be in principle similar to that of *Bennett* v. *Wyndham*, 23 Beav. 521, 4 D. F. and J. 259, and referred to other cases as in substance authorities for the present decision. "It appears," said the V. C., p. 813, "that the testator was under the impression that Sir H. H. had a considerable fortune. I have no doubt of it, for it is the only way