

DIGEST OF ENGLISH LAW REPORTS.—REVIEWS.

born to them either before or after his death. *Held*, that the trust failed immediately upon his death, and that "ascertained" meant "made certain."—*Sidebottom v. Sidebottom*, L. R. 2 P. & D. 365.

7. T. gave property by will to trustees, to pay the income to S., until M. should become twenty-one, or until she should marry under that age with consent of her guardians, then to pay the income to M. He also gave a sum absolutely to M., and at the end of his will spoke of what he had done for her as his "provision" for her. M. had reached advanced years unmarried. *Held*, that she took a life-interest, subject to modification in the future if she should marry.—*Savage v. Tyers*, L. R. 7 Ch. 536.

8. In the blanks of a printed form of a will, the testatrix had written some words partly in ink and partly in pencil. The words in ink, taken in connection with the printed part, made sense; some of the words in pencil were under those in ink, and some were partially rubbed out. The witnesses did not see the paper when they signed. *Held*, that the printed part, and the words in ink, should be admitted as the will.—*In the Goods of Adams*, L. R. 2 P. & D. 367.

9. By the Indian Succession Act, no man having a nephew or niece, or any nearer relative, can give any property to a charity, by a will made twelve months before his death. By said act, immovable property in India follows the law of the place, movable property the law of the domicile. Testator having his domicile in Scotland, gave by will, duly executed, all his property, consisting of real and personal estate, to executors to turn into money, and to pay over the money to trustees in Scotland. The latter he directed to apply the said sum to a charitable purpose. He died within a few days of the date of the will, leaving sisters. There was more than the amount given to the charity of each kind of property in India. In the Scotch law, the English rule against marshalling assets in favour of a charity does not obtain. *Held*, that the whole sum devoted to the charity might be paid out of the Indian movable property.—*Macdonald v. Macdonald*, L. R. 14 Eq. 60.

10. A testator created certain limitations and entails, and on their failure directed the property to be paid to the children (except J. G.) of A. then living, and the issue of such of them as should be then dead leaving issue, and the issue of J. G.; the issue of A. to have no greater share than their, his, or her parents

would have had, if living; and the issue of J. G. no greater share than the issue of the children of A. would have had in case of the decease of their, his, or her parents. At the end of the will there was a clause, "to prevent all doubts," to the effect that if the money should ever come to the issue of A., or the issue of J. G., or any of them, and any of them should be dead, having left issue, the issue of such issue so dead should have the share which their, his, or her parent would have been entitled to, if living. *Held*, that the "issue" of A.'s grandchildren meant children; that the children of a grandchild of A., which grandchild died before the making of the will, were entitled to the share their parent would have taken, had he been alive at the time of division; and that the clause at the end of the will was not void as being too remote.—*Heasman v. Pearce*, L. R. 7 Ch. 275.

See CONSTRUCTION, 1-3; ESTATE FOR LIFE; FORFEITURE, 1, 2; HOTCHPOT; LEGACY, 1-3.

WITNESS.—See EVIDENCE, 3.

WORDS.

"Children."—See WILL, 10.

"Control."—See RAILWAY, 1.

"Gentleman."—See DESCRIPTIO PERSONARUM.

"Have Given."—See WILL, 2.

"Issue."—See WILL, 10.

"Provision."—See WILL, 7.

"Rigging the Market."—See SCANDALOUS MATTER.

WRIT OF PROHIBITION.—See JURISDICTION.

WRITTEN CONTRACT.—See CONTRACT, 2.

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