ceased's share of income during her life. If all died without issue the capital was to go to the testator's next of kin. As it will be seen, there was no gift over of the capital of any dying without issue unless they all died without issue. As a matter of fact, two died without issue, and the children of the third had hopes that they might take under a kind of stirpital gift over. Probably this was intended, but the testator had not said so, and Mr. Justice Eve refused to hold that a gift of income to the surviving daughters implied also a gift of capital to the children of any of the three who had children.—*Law Times.*

SOLDIERS AND THE LAW.

The situation created by the threatened resignation of certain officers of the regular army, and the discussion which has ensued thereupon in Parliament, are of great interest to those of the Legal Profession who are versed in constitutional law. Mr. Justice Stephen, whose authority upon such a point nobody would question, points out that the soldier is subject to two jurisdictions, the civil and the military, which may involve him in a difficult position when those jurisdictions conflict. On the one hand, if ordered to attack a civilian, the soldier obeys, he may be amenable in his character as an ordinary citizen to the criminal jurisdiction of the civil courts, whilst, on the other hand, refusal to obey the order of his superior may put him within reach of the military jurisdiction of a court-martial. The great difficulty arises as to what cases or circumstances will, in the eye of the common law, justify a soldier in making an attack upon a civilian in obedience to the superior orders of his commander. Such a case does not appear to have received any authoritative decision in a court of law, but the generally accepted opinion would seem to be that the order of a military superior will justify his subordinates in executing an order, for the giving of which they may fairly and reasonably suppose he had good ground. Each case must depend, of course, upon the whole circumstances surrounding it, the difficulty of laying down any more definite rule being