erably in value, the legatee and his children, more than ten years after the testator's death, claimed to participate in the increased value on the ground that the trustee, being a residuary legatee, ought not to be allowed to retain profits caused by his own default. Stirling, J., however, was of opinion that the claim could not be successfully maintained, although he admitted that if the trustee had applied the trust estate to his own purposes—as if, for example, he had embarked it in trade—he might have been accountable for profits so made; yet, as he had merely left the property in the same condition as it had been left by the testator, he thought no such right arose in favour of the legatees. The true position of the parties he considered to be, that the residuary legatees were to be deemed the owners of the estate, subject to the charge in favour of the legatees, who, until payment of their legacy, were entitled only to the ordinary interest.

DOMICIL—INFANT—FATHERLESS INFANT—CHANGE OF MOTHER'S DOMICIL.

In re Beaumont, (1893) 3 Ch. 490, Stirling, J., had to determine a question of domicil. One Catharine Beaumont was one of several infant children, all of whom had a Scotch domicil. Her father having died in 1821, her mother married again, and in 1835 went permanently to reside in England, leaving Catharine in Scotland with an aunt, with whom she continued to reside until her death in 1841, she being then in her twenty-second year. Under these circumstances, it was decided that the mother had abstained from exercising the power of changing Catharine's domicil when she changed her own, and that therefore Catharine's domicil at the time of her death was Scotch.

ADMINISTRATION—EXECUTION AGAINST LANDS OF DECEASED DEBTOR—EXONERATION OF PERSONAL ESTATE—ESTATE TAIL—LOCKE-KING'S ACTS (17 & 18 VICT., C. 113; 30 & 31 VICT., C. 69)—(R.S.O., C. 109, S. 37).

In re Anthony, Anthony v. *Anthony*, (1893) 3 Ch. 498, demands attention, because by the express terms of the Devolution of Estates Act estates tail are expressly excepted from the operation of that Act. In that case an execution against the lands of a tenant in tail had been issued, and the simple question was whether, on the death of the execution debtor, the existence of this execution had the effect of exonerating his personal estate from the payment of the debt, as between the present tenant