have laid out under any circumstances in advertisements and the matters connected with their business, and "you cannot anticipate damages."—p. 180.

WILL—"SURVIVOR OR SURVIVORS."

In the next case, *in re Horner's estate*, a testator left his estate to trustees to pay the income to his four chilrden during their lives, and, in the event of any one or more of his said children dying without leaving children who should attain twenty-one, then he directed that the share of such of them so dying should be in trust for the "survivor or survivors" of his said children during their lives, and after their deaths, their respective shares should be in trust for their respective children, and the heirs, executors, administrators, and assigns of such children. There was no gift over. Hall, V. C. held, that the words "survivor or survivors" must be so read, and not as "other or others," so that the issue of a child, who had predeceased the other three children of the testator, were excluded from inheriting the shares of the said other three children on their dying without issue. He said that looking at all the authorities and all the opinions expressed by the judges, he thought he ought to hold that when the sole circumstance to be relied upon is the fact of a gift to survivors for life with remainder to children, the word "survivors" must have given to it its natural and ordinary meaning,—although in *Lucena* v. *Lucena*, L. R. 7 Ch. D. 255 the M. R. calls this a manifestly absurd view leading to manifestly absurd consequences. In the course of the judgment *Wake* v. *Varah*, L. R. 2 Ch. D. 348 is cited, where Baggalley, L. J., held that where there is a gift over on a total failure of issue, the word "survivors" must be read "others."

NUISANCE—REVERSIONER.

In *Cooper* v. *Crabtree*, p. 193, the plaintiff was owner in fee of a cottage, which was let to a weekly tenant. He alleged against the defendant (i.) trespass, in that the defendant had erected on his land a hoarding on poles, etc.; (ii.) nuisance, in that the poles and hoarding produced a constant rattling and creaking noise, and thus caused an intolerable nuisance to him and his tenants. Fry, J. held (i.) plaintiff failed as regarded the trespass, for—"it is familiar law that an action of trespass cannot be brought by any person except the person in possession:" (ii.) plaintiff failed as regarded the nuisance, for it was necessary for him to show either actual injury to the reversion, or that the erection was of such a permanent nature as to be necessarily injurious to the reversion. "Perhaps in substance these two things are the same," p. 198. He had shewn neither. As a recent case in our courts of alleged nuisance arising from noise we may refer to *Hathaway* v. *Doig*, 28 Gr. 461: 6 App. 264.

WILL—COUSINS.

In the last case in this number, *in re Bonner*, p. 201, the testator made by his will an anxious provision for his "second cousins." As a matter of fact, at the date of the will he had no second cousins, nor had he any at his death; but he had no less than eleven first cousins once removed living at the date of his will. Chitty, J., followed *Slade* v. *Fooks*, 9 Sim. 386, in holding that "on a fair consideration of the will with reference to the facts as proved," the first cousins one removed were entitled.

We can now proceed to the February number of the Q. B. Div., comprising 8 Q. B. D. p. 69-166. Curiously enough, however, there appears to be only one case in this number requiring notice here, viz.: *Rosenburgh* v. *Cook*, p. 161, those cases referring to practice contained in it having been already noticed among our Recent English Practice Cases.

VENDOR AND PURCHASER—SALE OF POSSESSORY TITLE.

In *Rosenberg* v. *Cook* the Court of Appeal decided that, where a vendor sold land described in the particulars as "freehold building land," and the purchaser did not object to the title until after the time limited by the conditions of sale, although notified by