ment of Bowen, L.J., is very like the famous verdict, "we find the prisoner not guilty of the crime charged, but strongly recommend him not to do 'it again." The case is an instructive one as to the extent to which the proceedings of domestic forums are examinable by a court of law.

WILL—CONSTRUCTION—REMOTENESS.

In re Hargreaves, Midgley v. *Tatley*, 43 Chy.D., 401, the Court of Appeal, in addition to disposing of a question of practice as to the jurisdiction of a judge in an originating summons, determined the construction of a will whereby a testatrix, who died in 1838, devised real estate to trustees in fee upon trust for her sister Mary, for her life, then for Mary's children successively for their lives; and after the death of Mary and her children, for her sister Elizabeth, and then to Elizabeth's children successively for their lives; and after the deaths of Mary and Elizabeth and their children, upon such trusts as the longest liver of Mary, Elizabeth, and their children should appoint, and in default of appointment, for the heir of the testatrix. The Court of Appeal held that the power of appointment was void, because the person to exercise it was not necessarily ascertainable within a life or lives in being and twenty-one years afterwards; because the children might not all be in being at the death of the testatrix. The case of *Brown* v. *Lloyd*, 5 Eq., 383, was overruled, and it was held that the heir at law of the testatrix took, not under the limitation is default of appointment, but under a partial intestacy.

BUILDING SOCIETY — BORROWING AND INVESTING MEMBERS—LIABILITY FOR LOSSES—EFFECT OF RULES.

In re West Riding of Yorkshire Building Society, 43 Chy.D., 407, Chitty, J., had to construe the rules of a building society in process of being wound up. These rules provided (1) that borrowing members could redeem their securities on payment of the amount fixed by the tables of the society, together with the full amount which should then be due "for subscriptions, fines, and other payments"; (2) that surplus profits, "after providing for all liabilities," should be appropriated equitably and equally between the investing and borrowing members, and (3) that "in the event of the directors determining," at a special meeting to be held every three years, that there was "a deficiency of income, by which the society might be prevented from meeting its anticipated expenditures and liabilities," the amount of such deficiency should be "apportioned by the directors" between the investing and borrowing members. The assets were insufficient to pay investing members the full value of their shares, and this was an application by the liquidator to place borrowing members on the list of contributories, no apportionment of losses having been made by the directors. Chitty, J., was of opinion that the "liabilities" to be provided for by rule 2 included sums payable to investing members; and that the word "income" in rule 3 was not used in contra-distinction to "capital," but meant what was coming in from all sources; and that "liabilities" in the same rule also included sums payable to investing members; and that under the rules borrowing mem-