

DIGEST OF ENGLISH LAW REPORTS.

WIFE'S SEPARATE ESTATE.

A married woman, living alone at Paris, and to all appearance a *feme sole*, indorsed a bill drawn by her agent, and drew a cheque on her bankers payable to her agent or bearer. The plaintiff cashed both the bill and the cheque, which were afterwards dishonoured. *Held*, that her separate estate was liable for the amount due on the bill and cheque, without any deduction on account of equities between her and her agent.—*McHenry v. Davies*, L. R. 10 Eq. 88.

WILL.

1. Testator gave real and personal property in trust for his wife M., for her life (provided she continued his widow and unmarried), and after her decease to be divided among all his children if more than one; and if there should be but one such child, then the whole to go to such child. He had a wife E., who survived him, by whom he never had any children, and from whom he had lived apart for many years. For several years he had lived with one M., who was recognised by him as his wife, and bore his name, and by whom he had four children; two of them died before the date of the will, one was then alive, and one was born afterwards; these children were baptised as his children and bore his name. *Held*, that M. was entitled to the benefit of the trust for life, and after his decease the property went to the child living at the date of the will.—*Lepine v. Bean*, L. R. 10 Eq. 180.

2. Testator gave real estate to trustees, upon trust to convey to his son T. F. and the heirs of his body, but in such manner and form nevertheless, and subject to such limitations and restrictions, as that if the said T. F. shall happen to depart this life without leaving lawful issue, then that the said real estate may after his decease descend unincumbered to R. F. and her heirs. *Held*, that the will created an executory trust, to be executed by a conveyance to the use of T. F. for his life, with remainder to his first and other sons and daughters in tail, with remainder to R. F. in fee.—*Thompson v. Fisher*, L. R. 10 Eq. 207.

3. Testator gave an estate upon trust for his son for his life, and after his decease upon trust to convert into money and divide the same among the testator's eleven grandchildren, *nominatim*, when they should respectively attain twenty-one; and if any of such grandchildren should die before such share should become payable without leaving any child surviving, then the share of him so dying should be divided among the survivors; and

in case any of them died before his share became payable, leaving any child surviving, then his share should go to his children. The eleven grandchildren all survived the testator and attained twenty-one, but several died in the lifetime of the tenant for life. *Held*, that "payable" should be construed to mean "vested," and that the shares of the grandchildren who had died were payable to their personal representatives.—*Haydon v. Rose*, L. R. 10 Eq. 224

4. A. devised real estate to trustees, in trust for her sister D. for life, and after her decease in strict settlement to the use of the eldest, third and other sons of D. for their respective lives, without impeachment for waste, remainder to their sons successively in tail male. Afterwards the Crown granted a barony to D. for life, remainder to her second, third, and other younger sons in tail male; the patent contained a shifting clause by which, in the event of any of the sons succeeding to the Earldom of D., the barony should devolve upon the next son. A. then made a codicil, which recited that it was her intention to settle the property disposed of in her will "in a course of settlement to correspond, as far as may be practicable, with the limitations of the said barony," and gave her estates, &c., to trustees upon trust, "to convey, settle and assure all the same manors and hereditaments, &c., in a course of entail to correspond as nearly as may be with the limitations of the said barony," and the provisos affecting it, "in such manner and form, and with all such powers," &c., as the trustees or their counsel should advise. *Held*, that the estates ought to be settled in a course of strict settlement to the second and other younger sons of D. for their respective lives, without impeachment of waste, remainder to their first and other sons in tail male; and that the settlement should contain a shifting clause in the words of the patent (Lord Hatherly, L. C., dissenting).—*Sackville-West v. Viscount Holmesdale*, L. R. 4 H. L. 548.

See CHARITY; TESTAMENTARY CAPACITY.

WORDS.

"Any other religious institution or purposes"—

See CHARITY, 2.

"Children."—See WILL, 1.

"Correspond."—See WILL, 4.

"Course of entail."—See WILL, 4.

"Dying without issue."—See ESTATE TAIL.

"Expected to arrive."—See SALE.

"Furnish, fit out, or arm."—See FOREIGN ENLISTMENT.