

RECENT ENGLISH DECISIONS.

judge from the expressions used by the judges in other cases, they seem to be of opinion that the period which closes the class, is the period when the first member of the class becomes entitled to the actual possession or enjoyment of his share."

ADMINISTRATION—TRUST FOR PAYMENT OF DEBTS—EXONERATION OF GENERAL PERSONAL ESTATE.

We have next to consider *Trott v. Buchanan* (28 Ch. D. 446). In this case a deed was made by a testator in his lifetime whereby he conveyed real and personal estate to trustees, in trust for himself for life, and after his death for payment of his debts and funeral expenses, and after such payment upon trust, for his sons and their children; and the question was, whether this deed had the effect of exonerating the testator's general personal estate from its primary liability for the payment of his debts, and it was held that it had not, but that the personal estate comprised in the deed was the primary fund for the payment of the testator's debts. Pearson, J., says: "I am not aware of any authority which makes general personal estate the primary fund for the payment of debts as against personal estate specifically appropriated to that purpose. I confess I should have thought, but for the technical rule of law as to real estate, that when a testator had created a trust for the payment of his debts, he must be taken to mean that the trust property, whatever it is, is to be applied in the first instance in the payment of the debts, so as to exonerate his other property. As regards real estate, however, that cannot be so by reason of the rule of law which says that the personal estate is to bear the debts, unless the testator has, in so many words, or by some expression of intention of the strongest kind, said that it is to be otherwise. I do not, however, understand that that rule applies to personal estate."

WILL—GIFT TO CHARITY—"CHARITABLE AND DESERVING OBJECTS."

The only remaining case in the Chancery Division for April necessary to be referred to here is *In re Sutton, Stone v. Attorney-General* (28 Ch. D. 464), a case of construction of a will whereby the testatrix devised "that the whole of the money over which I have a disposing power be given in charitable and deserving objects, the amount being £600 sterling." On behalf of the next of kin it was argued that the objects might be either deserving or charitable, and that this was too indefinite to constitute a good charitable gift. It was admitted that if the words were "be given in charitable objects," the bequest would be good; but Pearson, J., was of opinion that the words "charitable and deserving objects" meant only one class of objects, and that the word "charitable" governed the whole sentence. As he put it, it was a case of English and not of law, and as he considered the proper meaning of the words used was that the objects were to be at once charitable and deserving he held the bequest to be valid.

It was also held that the word "money" did not include money invested in consols.