

it was argued was not charitable. Farwell, J., held that the gift of the personalty was a good charitable gift as being for a public purpose, and in ease of public taxation, and that it might also be supported as being for the "setting out of soldiers," a clause, by the way, of the statute of Elizabeth which is not preserved in R.S.O. c. 333, s. 6. But the gift of the houses he held failed altogether as being a gift for the benefit of former officers of the regiment without reference to age. Another judge might very possibly come to the conclusion that "old" meant "aged," and that therefore the gift was good.

ESTOPPEL—ENTRANCE OF DEVISEE UNDER VOID WILL.—RIGHTS OF REMAINDERMAN UNDER VOID WILL.—TITLE BY POSSESSION.

In re Anderson, Pegler v. Gillatt (1905) 2 Ch. 70 deals with an interesting question on the law of estoppel. A married woman entitled to the property in question made a will of it whereby she devised it to her husband for life, and after his death to certain persons in remainder. The testatrix had no power to make the will, and it was void; her husband, however, entered upon the property and died, having been more than twenty years in possession. On his death those entitled in remainder under the will, if it had been valid, claimed the property against those claiming it as representatives of the deceased husband on the ground that he, and those claiming under him, were estopped from disputing the validity of the will. Buckley, J., distinguishing *Board v. Board*, L.R. 9 Q.B. 48, and *Dalton v. Fitzgerald* (1897) 2 Ch. 86, followed *Paine v. Jones*, L.R. 18 Eq. 320, and held that the husband and those claiming under him were not estopped from disputing the validity of the will, or from setting up a title by possession adverse to the rights of those claiming in remainder under it. See *Re Dunham*, 29 Gr. 258.

CONFLICT OF LAWS—CHOSE IN ACTION—PERSONAL ESTATE IN ENGLAND—ASSIGNMENT EXECUTED ABROAD OF PERSONAL ESTATE IN ENGLAND—NOTICE—PRIORITY.

In Kelly v. Selwyn (1905) 2 Ch. 117 the plaintiff claimed to be assignee of a fund in priority to a prior assignee. The fund in question was in England, and the plaintiff had first given notice of his assignment to the trustees of the fund. The defendant's prior assignment was executed in New York, where notice to the debtor is not necessary to preserve priority. Eady, J., held that the fund being in England, the law of England governed the rights of the parties, and that the plaintiff was consequently entitled to the priority he claimed by reason of his prior notice to the trustees.