

institution should be incorporated satisfactorily to them within the life of the survivor of two specified lives in being, the executors and trustees were authorized to organize the corporation, and convey to its use the residue of the estate, or so much as they should deem expedient. The will further provided that in case said institution should not be so incorporated, or if for any reason the executors and trustees should deem it expedient so to convey or apply said fund, or any part thereof, to the said institution, then they were authorized to apply the same "to such charitable, educational and scientific purposes" as in their judgment would render the same "most widely and substantially beneficial to the interests of mankind." The trustees duly obtained the charter and conveyed to the institution the residuary estate. It was held by a closely divided court that the trust was void for want of a certain designated beneficiary, for uncertainty and indefiniteness in the objects thereof, and for excess of discretion in the trustees.

In the recent case of *Read v. Williams*, 35 N.Y.S.R. 909, 26 N.E. 730, a bequest of the residue of the estate after the same should be converted into money "to such charitable institutions . . . as my executors, by and with the advice of" a person named, "shall choose and designate," was held to be void, both as a trust and as a power in trust, for want of a designated beneficiary or class of beneficiaries.

Bishop Hurst, of the Methodist Episcopal Church, having probably these decisions in mind, does not believe in taking any chances of a bequest being lost, and asks intending donors to the American University at Washington to present their gifts in their lifetime rather than bequeath them by will, and gives as his reason that "the risk is too great and the issues too serious in these days to entrust too confidently one's benevolent plans to the doubtful mercies of discontented heirs and industrious attorneys."

COMMENTS ON CURRENT ENGLISH DECISIONS.

The Law Reports for November comprise (1891) 2 Q.B., pp. 545-582; (1891) P., pp. 325-348; (1891) 3 Ch., pp. 81-241; and (1891) A.C., pp. 297-498.

CRIMINAL LAW—ILLEGAL EVIDENCE RECEIVED—INTIMIDATION—TRADE UNION THREAT OF STRIKE UNLESS EMPLOYER CEASED TO EMPLOY NON-UNION MEN—CONSPIRACY AND PROTECTION OF PROPERTY ACT, 1875 (38 & 39 VICT., c. 86), s. 7, s-s. 1—(R.S.C., c. 173, s. 12, s-s. 1).

Connor v. Kent (1891), 2 Q.B. 545, was a case stated by a recorder for the opinion of the court in a prosecution for intimidation under the conspiracy and protection of the Property Act, 1875 (38 & 39 Vict., c. 86), s. 7 (R.S.C., c. 173, s. 12). It appeared by the case stated that the court had received and acted upon the evidence of the accused, and the court therefore quashed the conviction on the simple ground that this evidence had been improperly received. *Gibson v. Lawson* is another case included in this report, and is also a decision