

DIGEST OF ENGLISH LAW REPORTS.

his wife, son, daughter, and sister. He then gave all his real estate and the residue of his personal estate to "the said G. for all my estate and interest therein respectively, if he shall be alive at my decease; but if he shall die in my lifetime, then I give my said real estate and residuary personal estate unto the said B. for all my estate and interest therein respectively." He empowered his trustee to invest his personal estate, and to continue subsisting investments without liability for loss, and to employ accountants and receivers; and he appointed him guardian of his children. G. survived the testator. *Held* (Lord CHELMSFORD dissenting), that G. was entitled to the real and residuary personal estate beneficially, and not subject to trusts.—*Williams v. Arkle*, L. R. 7 H. L. 606.

See ADMINISTRATION SUIT; INSURANCE, 3; MARSHALLING ASSETS; MORTGAGE, 3.

EXECUTORY DEVISE.—See DEVISE, 2.

FOREIGN LAW.

Where evidence was required in England to show the powers and position in Italy of a curator of the dormant inheritance of a testator, it was *held* that the affidavit of a person in England, who described himself as a certified special pleader and as familiar with the Italian law, was insufficient.—*In the Goods of Bonelli*, 1 P. D. 69.

See LEX FORI.

FORFEITURE.—See DIVORCE, 1.

FRAUD.—See BANKRUPTCY, 1, 10; VOLUNTARY SETTLEMENT.

FRAUDS, STATUTE OF.—See WILL, 4.

FREIGHT.

By charterparty, freight was payable upon coal delivered at the port of destination. The vessel carrying the coal met with bad weather, and put in at an intermediate port, where the master was obliged to sell part of the coal to defray the expense of repairs. An average statement was made up, under which the shipper received the net proceeds of the coal sold, but the ship-owner was not allowed freight on such coal. The coal sold as aforesaid brought a much higher price than it would have brought if sold at the port of destination. *Held*, that the ship-owner was not entitled to *pro rata* freight.—*Hopper v. Burgess*, 1 C. P. D. 137.

FURNITURE LEASE.—See CUSTOM.

GAMING.

Information against a landlady for "suffering" gambling to be carried on on her premises. It appeared in evidence that three persons were occupying a private room, and that, at about eleven o'clock in the evening, the landlady went into the room and asked if any refreshments were required before closing. No card-playing was then going on,

and the landlady saw no cards. The landlady then told the hall porter that she was going to bed; and she closed the bar, and retired. The hall porter then closed the house and retired to his own chair in a parlour at the extreme end of the house. He knew of no gambling going on in the said private room. The above three persons were discovered playing cards between one and two o'clock in the morning by the police. On these facts the landlady was convicted. *Held*, that the landlady was responsible if the hall porter, whom she left in charge of the house, connived at the gaming; and that it might be inferred from the evidence that the hall porter purposely kept out of the way, and so connived at the gaming. Conviction sustained.—*Redgate v. Haynes*, 1 Q. B. D. 89.

GENTLEMAN.

A man who had, on a few occasions, collected debts and written letters for other persons, and had on four occasions drawn bills of sale, but had no regular occupation, and subsisted on an allowance from his mother, was *held* to be properly described as "gentleman."—*Smith v. Cheese*, 1 C. P. D. 60.

HOTCHPOT.—See APPOINTMENT.

HUSBAND AND WIFE.—See BANKRUPTCY, 4.

ILLEGITIMATE CHILDREN.

1. A testator gave a fund to trustees in trust to pay the income to "my daughter A., wife of J. H., for her separate use for life," and to divide the principal between "all the children of my daughter A., as and when they shall respectively attain the ages of twenty-one years in equal shares." For some time previously to the testator's death, and at the dates of the will and his death, J. H. and the daughter A. were living together as man and wife at B., where the testator resided; but they were not married until five years after the testator's death. One child of A. was born before the testator's will, two after his will, but before the marriage, and one after the marriage. They were all baptized, and described as the children of A. and J. H. A. died. *Held*, that the legitimate child was entitled to the whole fund.—*In re Ayles' Trusts*, 1 Ch. D. 282.

2. Bequest in trust for "all and every my daughters, in equal shares, who shall attain the age of twenty-one years or marry." The testator died, leaving his wife and three daughters, all minors, by her, but born before his marriage; and he had always acknowledged the daughters as his children. He left no legitimate children. *Held*, that, as the testator left no daughters in the legal sense, parol evidence of the surrounding circumstances was admissible, and that said three children were entitled to the bequest.—*Laker v. Hordern*, 1 Ch. D. 644.

See DEVISE, 4.

INDORSER.—See BILLS AND NOTES.