

ANCIENT LIGHTS—CROWN PROPERTY VESTED IN TRUSTEES—PREROGATIVE OF CROWN—PRESCRIPTION ACT (2 & 3 W. 4, c. 71), SS. 1, 2, 3.

*Perry v. Eames* (1891), 1 Ch. 658, may be here briefly referred to as showing that the Crown is not bound by the Prescription Act (2 & 3 W. 4, c. 71), and therefore ancient lights cannot be acquired by prescription as against property of the Crown, even though it be vested in trustees. Since R.S.O., c. III, s. 36, which prevents the acquisition of such rights even as between subject and subject, the case has not much application in Ontario.

INFANTS—GIFT TO CLASS FOR LIFE, CONTINGENTLY ON ATTAINING TWENTY-ONE.

*In re Jeffrey, Burt v. Arnold* (1891), 1 Ch. 671, a testator had directed his trustees to hold the proceeds of the sale of his residuary estate on trust to pay certain annuities, and subject thereto on trust for such of his grandchildren as should attain twenty-one, the shares of those of the grandchildren born in the testator's lifetime being settled on them for life with remainder to their children. A surplus of income after payment of the annuities remained in the hands of the trustees, and the question for North, J., was, who was entitled; some of the grandchildren had attained twenty-one and some had not. The learned judge held that those of the grandchildren who had attained twenty-one were entitled to the surplus income to the exclusion of the rest, and as the others came of age they would be let in to participate in the future surplus income, as it accrued after they had attained twenty-one.

CHARITABLE BEQUEST—WATERWORKS MORTGAGE—PURE OR IMPURE PERSONALTY—MORTMAIN.

*In re Parker, Wignall v. Park* (1891), 1 Ch. 682, a testatrix had bequeathed for charitable purposes a mortgage held by her made by a municipal body, whereby the latter, in exercise of their statutory powers, had mortgaged to the testatrix, "her executors, administrators, and assigns, such proportion of the rents, rates, and waterworks which by the said Acts" were authorized, as the principal sum bore to the whole sum borrowed, to hold until the principal sum and interest should be paid and satisfied. Stirling, J., held that the mortgage was in substance a mortgage of the general undertaking, and did not confer upon the testatrix an interest in land within the Mortmain Acts, and therefore that the mortgage was pure personality and the bequest was valid.

ANNUITY—LIFE ANNUITY CHARGED ON LAND—SALE OF LAND—RIGHT TO RECEIVE VALUE OF ANNUITY—DEATH OF ANNUITANT BEFORE COMPLETION OF SALE OF LAND.

*In re Mabbett, Pitman v. Holborrow* (1891), 1 Ch. 707. By her will a testatrix bequeathed certain annuities for life which were charged upon real estate. The trustees were empowered to sell the real estate and out of the proceeds purchase Government annuities for the annuitants. The trustees sold, and before the sale was completed one of the annuitants died. After the sale had been completed, but before the Government annuities had been purchased, another annuitant died. The question Kekewich, J., had to decide was whether the representatives of the deceased annuitants were entitled to be paid the amount necessary to purchase