PROBATE—PRACTICE—UNIVERSAL DEVISEE AND LEGATEE—ADMINISTRATION OR PROBATE—EXECUTOR ACCORDING TO THE TENOR—TITLE OF ADMINISTRATOR TO REAL ESTATE.

Re Pryse (1904) P. 301, is a case that deserves attention. It was an application by the universal devisee and legatee named in a will which named no executor, for a grant of probate as executrix according to the tenor of the will. Jeune, P., upheld the Registrar's refusal to grant probate on the ground that the applicant, though universal devisee and legatee, was not on the construction of the will executrix according to the tenor; the applicant appealed, but the Court of Appeal (Williams, Stirling, and Cozens-Hardy, L.JJ.) affirmed the decision and agreed with Jeune, P., that the applicant was only entitled to a grant of administration with the will annexed; and in doing so they lay it down that the grant when made will relate back to the death of the deceased both as to the real and personal estate.

WILL—LEGACY IN DISCHARGE OF MORAL OBLIGATION—DEATH OF LEGATEE—LAPSE.

In *Stevens* v. *King* (1904) 2 Ch. 30, the personal representatives of the testatrix sought the opinion of the Court as to whether or not a legacy bequeathed by the testatrix had lapsed by reason of the death of the legatee in the lifetime of the testatrix. It appeared that in her lifetime the testatrix had been overpaid her share in a deceased person's estate, and that she had submitted to appoint property in favour of W. King, who had made the overpayment, so as to recoup the amount overpaid; and that this submission had been embodied in an order of the Court; and afterwards, in pursuance of such submission, she made a will appointing the amount of overpayment in favour of W. King, who predeceased her. Falwell, J., under these circumstances determined, that as it was clear that the legacy had been given in discharge of a moral obligation it was immaterial whether there was actually any legal liability, and that the legacy did not lapse, but was payable to King's representative.

COMPANY—WINDING UP—CROSS CLAIMS BETWEEN TWO INSOLVENT COMPANIES—DAMAGES—DIVIDEND.

In re Leeds and Hanley Theatres (1904) 2 Ch. 45, the problem Buckley, J., was asked to solve was the proper mode of adjusting cross claims between two insolvent companies. Com-