

alty the persons to take under the gift to heirs were the statutory next of kin, and (5) that as to both realty and personalty the persons to take were to be, as regards the brothers and sister who predeceased the testatrix, the persons to take must be ascertained at the death of the testatrix; and in case of the two brothers who survived the testatrix, at the date of the death of such brother.

CHARITABLE BEQUEST—DISCRETION OF TRUSTEES—"SCHOOLS AND CHARITABLE INSTITUTIONS, AND POOR, AND OTHER OBJECTS OF CHARITY OR ANY OTHER PUBLIC OBJECTS"—VALIDITY—EJUSDEM GENERIS.

In re Bennett, Gibson v. Attorney-General (1920) 1 Ch. 305. In this case a will was in question whereby the testatrix bequeathed all her residuary estate to trustees upon trust to apply such parts thereof as were applicable by law for charitable legacies in such manner as her trustees should, in their absolute discretion, think fit, for the benefit of the schools and charitable institutions and poor and other objects of charity or any other public objects in the parish of Faringdon. It was contended that as there was a discretion given to the trustees to apply the fund for public objects which might not be "charitable," the whole gift failed for uncertainty. But Eve, J., who heard the motion, was of the opinion that the word "or" must be construed conjunctively and that "the other public objects" were limited to such others as were *ejusdem generis* with those previously mentioned, and therefore that the gift was a valid charitable gift.

POWER GIVEN IN CASE OF THE HAPPENING OF A CONTINGENCY—EXERCISE OF POWERS BEFORE CONTINGENCY HAPPENS—SUBSEQUENT HAPPENING OF CONTINGENCY—VALIDITY OF APPOINTMENT.

Hanbury v. Baleman (1920) 1 Ch. 313. The point involved in this case was whether or not a power had been well executed. The power in question was contained in a settlement whereby it was provided that if, during the settlor's life, his wife should become entitled in possession to certain property in which she had at the time of the settlement a contingent interest, the settlor should have power to charge the settled estates with the sum of £10,000 and interest at $4\frac{1}{2}$ per cent. Before the contingency had happened the settlor executed the power; subsequently, during the lifetime of the donee of the power, his wife became entitled in possession to the estates in which she had the contingent interest. It was contended that the power had been prema-