

VENDOR AND PURCHASER—ALTERATION IN DEED IN CHAIN OF TITLE—MIS-DESCRIPTION OF ONE OF GRANTEEES.

In re Hoggate & Osborn (1902) 1 Ch. 451, was an application under the Vendors and Purchasers Act. The abstract of title delivered to the purchaser commenced with a mortgage to three persons of whom the third was described as "William" G. It appeared from the original deed that the name William had been erased and the names "Edward Thomas G." substituted after execution, but it was not known by whom the alteration had been made. It was proved that the person described as "William G." was really intended to be Edward Thomas G. and that the mistake was due to inadvertence. The purchaser contended that this was a material alteration which rendered the deed void. Kekewich, J., however decided that the alteration was immaterial, on the ground that the deed took effect from the moment of its execution and that the deed was then a conveyance to two persons and a non-existent person, or it was a deed to two persons and a person who was misdescribed. He thought the latter was the case and that the misdescription was made out and that the deed had therefore always been a deed to the two persons and Edward Thomas G., and that notwithstanding the physical alteration in the deed that was still its effect. That in one sense there was an alteration, but in another there was none.

WILL—CONSTRUCTION—"NEXT OF KIN" OF DOMICILED FOREIGNER—HALF BLOOD—FOREIGN LAW.

In re Fergusson's Will (1902) 1 Ch. 483, is a case of construction of a will. The testator a domiciled Englishman bequeathed a legacy to a German domiciled in Germany with a direction that in the event of the death of the legatee in the testator's lifetime, which event happened, the legacy was not to lapse but to be divided amongst the "next of kin" of the legatee. According to the law of Germany a nephew or niece is entitled to the exclusion of brothers and sisters of the half blood, and the question was whether the English or German law was to govern the construction of the words "next of kin." Byrne, J., held that the English law governed and that a sister of the half blood was therefore entitled, to the exclusion of nephews and nieces.