

WILL — CONSTRUCTION — REMOTENESS — TENANT FOR LIFE, PAST CHILD-BEARING — EVIDENCE.

In re Dawson, Johnston v. Hill, 39 Chy. D. 155, the principal question was, whether, for the purpose of maintaining a bequest, which was *prima facie* void for remoteness, it is admissible to prove the tenant for life, to whose grandchildren the bequest was made, was past child-bearing at the time of the testator's death. Chitty, J., held that the evidence was not admissible.

PRACTICE—WRIT OF ASSISTANCE.

In *Wyman v. Knight*, 39 Chy. D. 165, it was held by Chitty, J., that although for the purpose of recovering land the old writ of assistance has been superseded by the writ of possession, the writ may still be issued for the purpose of recovering possession of, and preserving, chattels, which had been ordered to be delivered to a receiver. The chattels in question were securities and documents of title, locked up in the safe of an absconding trustee.

POLICY OF LIFE INSURANCE—PAYMENT OF PREMIUMS BY PERSON NOT BENEFICIARILY ENTITLED—TRUSTEE—INDEMNITY LIEN—SALVAGE.

In re Winchelsea, 39 Chy. D. 168, a person, who was a trustee of a term, upon trust to apply the rents in paying the interest due on mortgages made by a *cestui que trust*, and of the premiums on policies of insurance effected by the mortgagor as collateral security for the mortgages. The rents having become insufficient, the trustee, in order to prevent one of the policies from lapsing, paid a premium out of his own moneys. He did this without any request from the mortgagee or mortgagor. The life insured having dropped, the trustee claimed a lien on the proceeds of the policy for the premium so paid by him as against the mortgagees; but it was held by North, J., that he was not entitled to the lien, he not being a trustee of the policy; and that the right of a trustee to be indemnified, out of his trust fund, for money expended by him in its preservation, is strictly limited to the trust fund. The case is a hard one, but the law seems to be sound.

PRINCIPAL AND SURETY—CROWN DEBTS—ADMINISTRATION PRIORITY.

In re Churchill, Manisty v. Churchill, 39 Chy. D. 174, North, J., held that a surety to the Crown, who has paid the debt of his deceased principal, is entitled to the Crown's priority in the administration of the principal's estate. See *ante* pp. 431, 487.

SOLICITOR—TRUSTEE—MORTGAGE—NEGLIGENCE—STATUTE OF LIMITATIONS.

Dooby v. Watson, 39 Chy. D. 178, was an action against the executor of a solicitor for negligence in making an investment for the plaintiff on a mortgage security. It appeared by the evidence that the plaintiff had approved of the mortgage, and that the solicitor merely did the legal part of the business, and was not in the position of a trustee. It was held by Kekewich, J., that the