assessed the damages against him at £500, but Lord Coleridge, C.J., who tried the case, directed judgment to be entered for the defendant on the ground that the action would not lie against a judge of a court of record for anything done by him in his judicial capacity, and the Court of Appeal (Lord Esher, M.R., and Kay and Smith, L.JJ.) unanimously sustained his decision. Lord Esher points out that the rule of the common law forbidding such actions is one for the public interest, and is established in order to secure the independence of the judges, and to prevent their being harassed by vexatious actions. The only remedy against a judge abusing his office in a colony possessing representative government would appear to be, as in England, by securing his removal from office, which may be done on an address by both Houses of Parliament to the Crown, or in a Crown colony by petition to the governor of the colony, or, in default of his acting, then to the Colonial Secretary.

The cases in the Probate Division are all Admiralty cases, and do not seem to call for any notice here.

WILL—CONSTRUCTION—CONDITION IN GENERAL RESTRAINT OF MARRIAGE—GIFT OVER.

Morley v. *Rennoldson*, (1895) 1 Ch. 449; 12 R. April 128, is on the construction of a will. A testator who died in 1837 bequeathed his residuary personal estate to trustees, in trust for his daughter for her separate use for life, and after her death for the children, with a gift over, in default of children, to other persons. By a codicil, however, he stated that his will was that she should not marry, and, in case of her marriage or death, he directed the trustees to hold the residuary estate for the persons mentioned in the gift over in the will. The daughter married after the testator's death, and died in 1894, leaving six children, and the question was whether they or the persons named in the gift over were now entitled to the residuary estate. It had been determined by Wigram, V.C. (2 Hare 570), shortly after the daughter's marriage, that the condition being in general restraint of marriage was void as regards the daughter, and that she was entitled to the life interest bequeathed to her notwithstanding that condition. It was now claimed that the condition, though void as against the mother, was good as against her children. But Kekewich, J., came to the conclusion that the condition,