

DIGEST OF ENGLISH LAW REPORTS.

VENDOR'S LIEN.—See COMPANY, 2.

VOLUNTARY CONVEYANCE.—See BANKRUPTCY.

WATERCOURSE.—See EASEMENT.

WILL.

1. Bequest to testator's wife for life, and after her decease to all his brothers and sisters; namely, M., E., T., S., and F., equally; but in case any of them should die leaving issue, then the part or share of him, her, or them so dying, to his, her, and their respective issue M. survived the testator, and died in the widow's lifetime leaving children; E. died in the testator's lifetime, leaving four children, all of whom survived the testator, and two survived the widow; T. and S. survived the testator and died in the widow's lifetime, T. without issue, and S. leaving one child, still living; F. died in the testator's lifetime, leaving children who survived him, some of whom died in the widow's lifetime leaving children, and others survived her. *Held*, that the shares of E. and F. (who predeceased the testator) went to their respective issue who were living at the testator's death; that T.'s share went to his personal representative; that the shares of M. and S. went to their respective issue living at their deaths.—*Hobgen v. Neale*, L. R. 11 Eq. 48.

2. Testator gave all his residuary estate to trustees upon trust to sell "so much and such part thereof as in their sole discretion they may think necessary for the purpose of paying" all his mortgage and other debts; and out of the proceeds to pay the same, and invest what remained after such payments, and hold it and the other residuary estate upon trust to pay the annual produce thereof to his three daughters for their lives. The residuary estate included certain leaseholds subject to a mortgage, which the trustees paid off. *Held*, that the trustees had the discretion to determine what part should be sold, and were not bound to convert the leaseholds; and that the tenants for life were entitled to the rents of the leaseholds in specie.—*In re Sewell's Estate*, L. R. 11 Eq. 80.

3. Testator devised lands "to all the children or legal issue" of his daughter A., to be divided between them equally after A.'s decease. She had ten children; one of them died before the testator without issue; three survived the testator, and died in A.'s lifetime, two without issue, one leaving children; the remaining six survived and had had children, and some of them grandchildren. *Held*, that "children or legal issue" meant that the children were to take; and where there were

not children their issue were to take; and that the children of A., who were living at the testator's death, and those who were born afterwards, took vested interests in fee.—*Holland v. Wood*, L. R. 11 Eq. 91.

4. Gift by will to "my great-nephew G., and to such other of my nephews and nieces as shall be living," &c. *Held*, that the great-nephews and great-nieces were entitled to share with the nephews and nieces.—*In re Blower's Trusts*, L. R. 11 Eq. 97.

5. Testator gave his property in trust for his nine children in equal shares, provided that if its value should amount to or exceed £40,000, then the share of each son should be one-twentieth more than the share of each daughter; he also directed that any sum which he was liable to pay to the trustees of the marriage settlement of one of his daughters should be taken in satisfaction *pro tanto* of her share, and should be brought into hotch-pot and accounted for accordingly. The value of the estate exceeded £40,000 if the sum payable to the trustees was included, but not otherwise. *Held*, that the sum payable to the trustees was to be treated as part of the estate.—*Fox v. Fox*, L. R. 11 Eq. 142.

6. Legacy in trust for R. "should he survive my sister E.; should he not survive her nor attain his twenty-first year, then over. *Held*, that the intention was clear to make the legacy absolute if he attained twenty-one.—*In re Thompson's Trusts*, L. R. 11 Eq. 146.

7. Bequest of personal property to be equally divided between the testator's two sisters; his sister A. to have immediate control of her share, and his sister S. upon attaining the age of twenty-five years, until which time it should be in trust for her; and in case of the death of either before the testator, or before marrying and having children, the whole to go to the survivor. A. was more than twenty-five at the testator's death; S. afterwards attained that age, but was unmarried. *Held*, that S. had an absolute interest in her share at twenty-five; and that the gift over was intended to take effect only in the event of death happening before that time.—*Clark v. Henry*, L. R. 11 Eq. 222.

8. Testator declared that "the income arising from my principal money shall be paid to my wife, while unmarried, for the support of herself and the education of my children; and at her death, or on her marriage, to be divided among them." He left but little cash, but had a large amount of personal property, leaseholds, and freeholds. *Held*, that all the per-