

DIGEST OF ENGLISH LAW REPORTS.

grandchildren be entitled to the testator's personal estate, if he had then died intestate. S., and after her E., died under twenty-five. At E.'s death, M. was the testator's sole next of kin. *Held*, that the persons who at the death of E. would have been the next of kin of the testator if M. also had then been dead, were entitled to file a bill for the administration of his estate, although of a remoter class than M.—*White v. Springett*, L. R. 4 Ch. 300.

9. A testatrix gave property in trust as to one-fourth for A. for life and then to A.'s children at twenty-three. Any child attaining twenty-three in the lifetime of A. was to acquire a vested interest. In case of the death of A. without leaving children as aforesaid, the trustees were to pay, apply, and dispose of the income of A.'s fourth to and amongst testatrix's "surviving" daughters, such "benefit of survivorship" to extend to the "surviving" as well as to the original shares. The principal to go to the children of such daughters. The other three-fourths upon like trusts for the testatrix's other three daughters, B., C., and D., and their children. If all the daughters died and none of their children reached twenty-three, the fund was to be held for the next of kin. A. died, leaving children who reached twenty-three. Then C. died childless. Later, D. died, leaving children who reached twenty-three. *Held*, that "surviving" was to be read "other," and the children of A. took part of C.'s share as well as the children of D.—*Badger v. Gregory*, L. R. 8 Eq. 78.

10. Trust to pay one-fourth of the income each to testator's four sisters for life, and so soon as any of them should die "without leaving issue," the share of those "so dying without issue" to be divisible among the surviving sisters "and the issue of any who may then be dead, in equal . . . shares, but such issue to take only their respective parent's share." And so soon as any of said sisters should die and "leave issue," then to call in the shares of them so dying "leaving issue, and pay the same unto such respective issue, if more than one child, equally." One of said sisters died, having had two children, one of whom survived her mother, and the other died in her mother's lifetime, after the testator, leaving a family. *Held*, that a moiety of the deceased sister's share went to the family of her deceased child.

"Leaving issue" meant "having had children."—*Bryden v. Willett*, L. R. 7 Eq. 472.

11. A testator gave his residuary estate to trustees in trust to convert into money such

parts thereof as should not at his decease consist in money or be invested in any of the public funds or government securities, and to invest the same in such public funds or government securities as to them should seem most advantageous, and to pay the interest, dividends, and annual proceeds of such residue in equal shares to his children for their lives, and after their deaths upon other trusts. *Held*, that the tenants for life were entitled to enjoy *in specie* long annuities of which the testator died possessed.—*Wilday v. Sandys*, L. R. 7 Eq. 455.

12. C. left his property to G. by will, and appointed him his executor. When about to die, C. sent for G. and told him privately of his will; G. said, "Is that right?" C. answered, "It shall be no other way." C. also told G. that he would find the will in a certain place and a letter with it. G. testified that nothing further passed between him and C. The letter named many persons to whom C. wished various sums to be paid, but after phrases implying some discretion to be allowed to G., there was this sentence: "I do not wish you to act strictly according to the foregoing instructions, but leave it entirely to your own good judgment to do as you think I would if living, and as the parties are deserving, and as it is not my wish that you should say any thing about this document there cannot be any fault found with you by any of the parties should you not act in strict accordance with it." G. paid money to some of the persons mentioned in the letter, but not to all. *Held*, that the letter did not impose any trust on G.—*McCormick v. Grogan*, L. R. 4 H. L. 82.

13. A testator "devised and bequeathed all his other property whatsoever and wheresoever" to trustees, without words of limitation, after a specific devise of lands with such words. He had no other lands at the date of his will, and the terms of the trust, except the word "income," were not appropriate to realty. He afterwards became entitled to real estate of great value. *Held*, that the latter passed to the trustees by the will.—*Lloyd v. Lloyd*, L. R. 7 Eq. 458.

14. A testator made a will in favor of his sister only, giving her "all my house and land and book debts," &c., "every thing on the said premises," "and all other chattels." *Held*, that the last words carried the general residue.—*Goods of Sharman*, L. R. 1 P. & D. 661.

SEE APPORTIONMENT, 2; CHARITY, 1, 2; DEVISE; ELECTION; EXECUTOR AND ADMIN-