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that in effect it is still undetermined whether or not the plaintiff ought to recover." Moreover, the existence of inconsistent special findings tends strongly to show that the jury did not understand the case. 2 THOMPSON, TRIALS, § 2692.

WILLS—BARRING OF ESTATES TAIL BY DEED.—A testator devised certain described real estate to his daughter "absolutely" and if she died without "living issue" then over to the testator's brother. A few years after the testator's death the daughter conveyed the land to complainant, who later contracted to sell the property to defendant, and to convey "a good fee simple title;" defendant refused to accept the deed of conveyance when tendered on the ground that a fee simple could not be conveyed by complainant. *Held*, that the fee tail was barred by the daughter's deed of conveyance and became a fee simple absolute in the grantee. *Schneer v. Greenbaum*, (Del. 1913) 86 Atl. 107.

The Delaware Statutes provide that a fee tail could be converted into a fee simple by a deed of conveyance. For discussion of the principles applicable to the barring of estates tail see 11 MICH. L. REV. 534.

WITNESSES—PRIVILEGE—SELF-CRIMINATION.—Defendants, officers of an insolvent banking corporation, were ordered to deliver to the Bank Commissioner certain papers, books and property pertaining to the business of the bank. Defendants refused on the ground that the books might contain information which would tend to incriminate said defendants and to render them liable to criminal proceedings. *Held*, that this answer was insufficient. *Burnett et al. v. State*, (Okla. 1913) 129 Pac. 1110.

In view of the fact that the Oklahoma court deemed the records and papers of the bank to be public records the following principle enunciated by Justice HUGHES in the case of *Wilson v. United States*, 221 U. S. 361, which is strongly relied upon in the instant case, is pertinent, "Thus, in the case of public records and official documents, made or kept in the administration of public office, the fact of actual possession or of lawful custody would not justify the officer in resisting inspection, even though the record was made by himself, and would supply the evidence of his criminal dereliction. If he has embezzled the public moneys and falsified the public accounts, he cannot seal his official records and withhold them from the prosecuting authorities on a plea of constitutional privilege against self-crimination. The principle applies, not only to public documents in public offices, but also to records required by law to be kept, in order that there may be suitable information of transactions which are the appropriate subjects of governmental regulation and the enforcement of restrictions validly established. There the privilege, which exists as to private papers, cannot be maintained." See also *Manning v. Mercantile Securities Co.*, 242 Ill. 584, 30 L. R. A. N. S. 725 and note. *Boyd v. United States*, 116 U. S. 616; WIGMORE, EVIDENCE, § 2259.