

CONFLICT OF LAWS—POWER OF APPOINTMENT—TESTAMENTARY
EXECUTION OF GENERAL POWER—FOREIGN DOMICIL—UNAT-
TESTED WILL—EVIDENCE OF INTENTION—WILLS ACT, 1837
(1 VICT. C. 26) SS. 9, 10, 27—(R.S.O. c. 128, ss. 12, 13, 29).

In re Scholefield, *Scholefield v. St. John* (1905) 2 Ch. 408. Kekewich, J., following *In re D'Este* (1903) 1 Ch. 898 held that the provisions of s. 27 of the Wills Act (R.E.O. c. 128, s. 29) to the effect that a general testamentary power of appointment may be exercised by a general bequest not referring either to the property or the power unless a contrary intention appears in the will, does not apply to a will which is not executed in accordance with the Wills Act, though it be a valid will according to the place of domicile of the testatrix, and as such admitted to probate in England; and that such a will cannot be implemented by unsigned memoranda in the handwriting of the testatrix shewing an intention on her part that the subject matter of the power should pass to the legatee named in the will, although such evidence would be admissible according to the law of the place where the will was made; because the question of the execution of the power, must, in such case, be determined upon evidence admissible by the law of England.

EXPROPRIATION OF LAND—STATUTORY POWER—DIVERSION OF LAND
TO OTHER THAN AUTHORIZED PURPOSES.

Attorney-General v. Pontypridd (1905) 2 Ch. 441 deserves a short notice, though decided under special statutes, because it lays down the principle that where land is authorized by statute to be expropriated for a specific purpose, it is not competent for the expropriators to divert it to some other purpose. In this case, under statute, a municipal body expropriated certain land for establishing a generating station for the supply of electricity, and on part of the land not required for that purpose they erected a refuse destructor to be worked in connection with the generating station, and it was held by Farwell, J., that this was ultra vires of the municipal body, and an injunction was granted restraining the use of the destructor buildings erected on the lands expropriated otherwise than for the production of electricity.