

letters of administration to issue in favour of the next of kin of the deceased.

In the goods of Demis (1899) P. 191, is a somewhat similar case to the last. In this case the deceased had duly executed a document purporting to be a will. Its validity seems to have been disputed. An agreement of compromise was come to between the executrix named in the will, on the one hand, and the members of the deceased's family on the other. Subsequently, a citation was issued by the next of kin of the deceased, which was served on the executrix and sole beneficiary named in the will, to bring in and prove the will, or show cause why administration should not issue to the applicant as upon an intestacy. The executrix not appearing, the grant was made.

WILL—PROBATE—MISNOMER OF EXECUTOR IN WILL—RECTIFICATION OF WILL.

In the goods of Cooper (1899) P. 193. In this case the testator had appointed as executor "the said Thomas Cooper." It was shewn that the deceased had no friend, child or relative named Thomas Cooper, but that he had a friend named Thomas Stevenson, who was named in the will as a trustee along with the other two persons properly named as executors. Jeune, P.P.D., ordered the name of "Cooper" to be omitted from the exemplification of the will for probate, so that the name of the executor would appear as "Thomas ——" ; and following *In the goods of De Rosaz* (1877) 2 P.D. 66, he granted probate to the applicant, who was directed to be described in the grant as "Thomas Stevenson, in the will described as Thomas ——" This seems a rather roundabout way of declaring that, by the executor described in the will as "Thomas Cooper," the testator meant and intended "Thomas Stevenson."

MEASURE OF DAMAGES—HUSBAND AND WIFE LIVING SEPARATE—ADULTERY OF WIFE.

Evans v. Evans (1899) P. 195, although a divorce case, may be useful to note, inasmuch as it shews that although a husband and wife are living separate, owing to the misconduct of the wife, the husband is entitled to recover substantial damages against a man who, during such separation, has frequently committed adultery with the wife ; and the fact that reconciliation with the wife had become impossible owing to the injury complained of was an element for consideration in fixing damages.