tion; but they contended that declarations by a testatrix made after the execution of her will could not be admitted to prove either that it had been executed in duplicate, or that it had been revoked. Barnes, J., rejected the evidence and pronounced in favour of the will, with costs against the defendants. They now appealed, and asked for a new trial on the ground (*inter alia*) of this rejection of evidence.

Their Lordships dismissed the appeal. They said that the intention of the testatrix to revoke her will was indicated in the clearest possible way; but she had not complied with the formalities prescribed by the Wills Act, so that the Court, much to their regret, could not give effect to it. The learned Judge had rightly rejected the evidence tendered. It was settled that declarations made by a testator after the execution of his will to the effect that he had executed it did not come within any of the exceptions to the rule which rejected hearsay evidence, and could not be admitted to prove the execution of his will. That applied equally to declarations that he had revoked his will in duplicate, and also to declarations that he had revoked his will. On the question of costs they would not interfere with the decision of the learned Judge, as they were affirming his judgment; and they would not give costs to an unsuccessful appellant, but the appeal would be dismissed without costs.

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BRINSMEAD v. RRINSMEAD.

[101 L. T. 606.

Trade name.

If J. B. has an old established and well-known business, and another person of the same surname starts the same business in the same locality as T. E. B. (his real name) and sells that business to T. E. B. and Sons Limited, and there is evidence which induces the Court to think the transactions are fraudulent with a view to steal J. B.'s business by leading the public to think they are buying J. B.'s goods, the Court will restrain by injunction the use of the name T. E. B. and Sons Limited, and the use of the surname B. unless an express statement is always added that the parties have no connection with J. B. (Lindley and Smith, L.JJ., affirming North, J.)

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IN RE STEPHENSON. DONALDSON v. BAMBER.

[Court of Appeal—26TH NOVEMBER.

Will— Class — Number— Mistake —Power to reject inaccurate number in gift to a class.

Appeal from a decision of Kekewich, J.

Robert Stephenson bequeathed all the residue of his personal estate "unto the children of the deceased son (named [illegible] of my father's sister [illegible] business [illegible] and share alike." The [illegible] father's sister had [illegible] all of whom died before [illegible] the will, and left [illegible] who were still living. [illegible] facts were known to the testator. On a summons by the executor to decide who was entitled to the residue, Kekewich, J., held that all the children named Bamber of the three deceased sons were entitled. The next-of-kin appealed.

Their Lordships allowed the appeal, and held that the gift was void for uncertainty. There was authority for saying that where