interest, £1,600 to Mrs. A., and in 1904 again appointed to her £7,000. Shortly after so doing, the plaintiff appointed to Mrs. M., subject as above, £8,600. It was now urged that this appointment to Mrs. M. was executed under a mistake. The plaintiff stated that she was aiming at equality between Mrs. M. and Mrs. A., and that she had totally forgotten the deed of 1888. It was only in 1908 that the deed of 1888 was recalled to her mind by her solicitors, and the action was subsequently brought to have the matter adjusted. Mrs. M.'s trustees argued that forgetfulness was not good ground for the interference of the court, and that, while a mistake might be a ground for rectification, it would not support a rescission of a deed. Mr. Justice Eve accepted the plea of a desire to effect equality between the plaintiff's daughters. The learned judge found that all parties had acted in ignorance of the facts, and that the donee of the fund had actually appointed sums exceeding by a large sum the amount of the trust fund. Mr. Justice Eve came to the conclusion that the deed-poll was executed under a mistake, and an order for rescission was granted.

Here, then, we have a plain authority that it does not matter much in a case of this description whether the error is due to wrong information or a defect of memory. The question whether forgetfulness could be a "mistake" was raised in *Barrow* v. *Isaacs* (64 L.T. Rep. 686; (1891) 1 Q.B. 417), decided by the Court of Appeal. There the dispute was as to a relief from forfeiture caused by breach of a covenant by a lessee not to underlet without license. At p. 688 Lord Esher says: "Is mere forgetfulness mistake? Using the word 'mistake' in its ordinary meaning in the English language, I think that forgetfulness is not mistake. Forgetfulness is not the thinking that one thing is in existence when in fact something else is. It is the absence of thought as to the thing—the mental state in which the particular thing has passed out of mind altogether." Lord Justice Kay read a judgment differing from the view expounded in the leading judgment, and in so doing had the support of Lord Justice Lopes. Lord Justice Kay observes at p. 689: "Very