

his share under his father's will to his wife and children, in presumed exercise of the power appointed an annuity of £1,200 to his wife, and in case his residuary estate should prove insufficient for the payment of his debts, he directed that the trustees of his father's will should pay to his wife an additional annuity of £500 so long as any of his debts should remain unpaid or for a period of ten years from his death whichever should be the shorter period, and so long as she expended £400 every year in payment of his debts, and after the debts should be fully paid by her, or after the expiration of ten years whichever should be the shorter period, to pay her if she should have fulfilled the condition instead of the said additional £500 an additional annuity of £100 for her life and subject thereto he appointed the trust funds to his children. Joyce, J., who tried the action, came to the conclusion that though the condition imposed was not a condition precedent, and though the condition in favour of the payment of the appointor's debts applied to only part of the annuity appointed, yet that the appointment made for a purpose foreign to the power, and though there was no evidence of any bargain or prior agreement with the appointee, yet the condition could not be separated from the appointment, and he agreed with the statement in Farwell on Powers, p. 421: "The execution is fraudulent and void if made for purposes foreign to the power although such purposes are not communicated to the appointee previously to the appointment, and though the appointor received no personal benefit," and he held the appointment of the whole £500 was void.

PATENT—APPLICATION TO REVOKE PATENT FOR NON-MANUFACTURE IN UNITED KINGDOM—MANUFACTURE OF PATENTED ARTICLE BY INFRINGERS—PATENT ACT, 1907 (7 EDW. VII. c. 29) ss. 25, 27—(R.S.C. c. 69, s. 38).

*In re Fiat Motors* (1911) 1 Ch. 66. This was an appeal from the controller of patents. An application had been made to him under the Patent Act, 1907, s. 27 (see R.S.C. c. 69, s. 38), to revoke a patent for non-manufacture in England; and the single question on the appeal was whether or not the controller should take into consideration manufactures of the patented article in England by infringers of the patent, and Parker, J., decided that he should.