

was heretofore a case of common employment and the action did not lie. The Court of Appeal (Lord Reading, C.J., and Scrutton, L.J., and Neville J.), held that the plaintiff was not in the position of a servant of Moss Empires, but was a licensee having a common interest with that company and not a mere volunteer. And although, if a mere volunteer, the plaintiff would have had no right of action, as a licensee with interest she had a right of action, as the injury was caused by a defect in the nature of a trap against which the company ought to have guarded the plaintiff.

PROBATE—WILL—STRIKING OUT WORDS IN WILL—WILL READ OVER—PRESUMPTION OF KNOWLEDGE AND APPROVAL BY TESTATOR—EVIDENCE REQUIRED TO REBUT PRESUMPTION.

*Gregson v. Taylor* (1917) P. 256. This was an action to revoke the probate granted of a will and for a fresh grant of probate omitting certain words in the codicil to the will purporting to give a legacy "to Maude Adelaide Ashurie (daughter of Francis Manley Bird Ashurie) £4,000" on the ground that these words had been inserted by mistake and the testatrix did not properly appreciate them. By the will, £5,000 was given to Adelaide Maud Ashurie, the wife of F.M.B. Ashurie, and it was alleged that the real intention of the testatrix was to substitute therefor a legacy of £4,000. There was no such person as the person named in the codicil, but there appeared to be no doubt that the person intended was Adelaide Maud, the wife of F. M. B. Ashurie. Horridge, J., who heard the application, held that the evidence was not sufficient to rebut the presumption that the testatrix knew and approved of the codicil as read over to her and he therefore refused the motion, and though he was of the opinion that the testatrix by "Maude Adelaide Ashurie" probably meant the wife of F. M. Ashurie, yet he was left in doubt what was the testatrix's real intention as to the £4,000 and therefore he thought the only safe way was to abide by the words as read over and approved by her.

TRUSTEES—POWER TO POSTPONE CONVERSION—EXERCISE OF DISCRETION.

*In re Charteris Charteris v. Biddulph* (1917) 2 Ch. 379. In this case a legatee sought to compel trustees to proceed to convert the trust estate for the purpose of paying his legacy, which amounted to £230,000, or to compel payment of interest on the amount