

REVIEW OF CURRENT ENGLISH CASES.

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**PASSING OFF—EVIDENCE OF PASSING OFF—IDENTIFICATION OF
GOODS PASSED OFF WITH THOSE OF PLAINTIFF.**

Hunt v. Ehrmann (1910) 2 Ch. 198. This was an action to restrain the defendant from passing off goods sold by them as goods of the like description sold by the plaintiffs. The plaintiffs were wine dealers, and the defendants were also retail wine merchants, and issued a price list in which they advertised for sale "Hunt Roupe's Grand Old Crusted Port, over six years in bottle . . . usual credit price per doz. 60s, now offered by us at per doz. 34s." The plaintiffs sold no wine in bottles and sold two distinct classes of port wine, one a superior and the other an inferior and cheaper wine. The plaintiffs alleged that the defendants were passing off by their advertisement the plaintiffs' inferior wine as and for the plaintiffs' superior wine. It was proved that the plaintiffs sold no matured wine in bottles, as to which it could be said the usual credit price was 60s. per dozen. In these circumstances Warrington, J., held that the plaintiffs had failed to establish the alleged passing off as there was no sufficient identification of the wine advertised by the defendants with any wine sold by the plaintiffs.

**POWER—POWER TO APPOINT LIMITED AMOUNT—GENERAL POWER
—EXCLUSION OF PERSON FROM BENEFIT WHO DISPUTED WILL
—OVERRIDING POWER TO APPOINT MIXED FUND—WILLS ACT
1837 (1 VICT. c. 26) s. 27, (10 EDW. VII. c. 57, s. 30 (ONT.))**

In re Wilkinson, Thomas v. Wilkinson (1910) 2 Ch. 216. In this case the question for decision was whether under s. 27 of the Wills Act, 1837 (see 10 Edw. VII. c. 57, s. 30 (Ont.)) a residuary devise and bequest had the effect of executing a power of appointment vested in the testatrix. The facts were that one Thomas Wilkinson gave his real and personal estate to trustees in trust for his wife for life, and he gave her power by her will to appoint that the trustees should raise and set apart a sum sufficient to pay £2 10s. per week, and declared that she should have absolute power by her will to dispose of that sum when raised as she might think fit, the testator, however, expressing by his will a wish that she should be able to direct the payment