

Lopes and Smith, L.JJ.) affirmed the decision of Wright, J., at the trial, nonsuited the plaintiff, and held that the contract was illegal on which the money had been paid, and within the maxim, *Ex turpi causa non oritur actio*; and the court was, moreover, of opinion that the evidence disclosed a case of criminal conspiracy for which the plaintiff and defendants were indictable. It may be noted that the illegality of the contract was not pleaded, but it was a point taken by the court itself.

PROBATE—WILL—CODICIL—REVOCATION CLAUSE IN PRINTED FORM.

*In the goods of Moore* (1892), P. 378, a testatrix made a will constituting an illegitimate son her universal legatee and one of her executors. Afterwards, and shortly before her death, she expressed a wish to bequeath part of her furniture and other personal effects to her sister, and for this purpose procured a printed form of will, which she filled up in such terms as she thought would carry out her intentions. The form, however, contained a clause revoking all former wills, and appointing executors, but the blanks left for the names of executors she did not fill up. At the time of the execution of this will, it appeared that she had produced the will and asked one of the executors named in the first will to read it to her, which he did, but omitted the revocation clause. The sister of the testatrix consented to the grant of probate of both wills, omitting the revocation clause in the last of them, and the court (Jeune, P.P.D.) so ordered.

PROBATE—WILL—"EXECUTORS ACCORDING TO THE TENOR."

*In the goods of Russell* (1892), P. 380, Jeune, P.P.D., held that trustees nominated by a testator "to carry out this will" and "for the due execution of this my will" were executors "according to the tenor," and entitled to probate.

DIVORCE OBTAINED BY COLLUSION IN SCOTLAND—ENGLISH MARRIAGE—DOMICIL—COLLUSION.

*Borjaparte v. Bonaparte* (1892), P. 402, was a suit to have a marriage declared null and void under the following circumstances: The respondent had been duly married to one Megone, who had commenced a suit for divorce against his wife and present petitioner as co-respondent on the ground of adultery. By an arrangement between the parties that suit was dismissed, and Mr. Megone proceeded, in collusion with his wife and the