

In this case the action was to recover a sum payable by the defendants to the plaintiff, under the rules of a friendly society, of which the defendants were the officials. The defendants resisted payment, on the ground that some of the rules of the society were illegal, as being in restraint of trade and contrary to the provisions of the Trade Union Acts, but the Court of Appeal (Lord Esher, M.R., and Lindley and Lopes, L.JJ.) held that this furnished no defence. They were, moreover, of opinion that rules made for the *bona fide* purpose of protecting the funds of the society from claims, which might be avoided with reasonable care are not illegal, because they are incidentally to some extent in restraint of trade, provided that their provisions go no further than is reasonable and necessary for that purpose.

SHIP—COLLISION—DAMAGES, MEASURE OF.

*The Lincoln*, 15 P.D., 15, is a decision of the Court of Appeal on the proper measure of damages in the case of a collision. A steamer collided with a barque, the steamer being alone to blame. The steering compass, charts, log, and log-glass of the barque were lost through the collision. The captain of the barque made for a port of safety, navigating his ship by a compass he found on board. While on her way, and without any negligence, and owing to the loss of the requisites for navigation, the barque grounded and had to be abandoned. The Court of Appeal (Lord Esher, M.R., and Lindley and Lopes, L.JJ.), reversing the decision of Butt, J., held that the grounding of the barque was a natural and reasonable consequence of the collision, and that the owners of the steamer were liable for the damages caused thereby.

WILL—REVOCATION—DESTRUCTION OF WILL WITHOUT TESTATOR'S AUTHORITY—SUBSEQUENT RATIFICATION—WILLS' ACT (1 VICT., C. 26), S. 20, (R.S.O., C. 109, S. 22)—PROBATE OF DESTROYED WILL.

In *Mills v. Millward*, 15 P.D., 20, the will of a testatrix was destroyed by a relative, in her presence, but without her authority or consent. Subsequently, though pressed to do so, the testatrix refused to make a new will, saying that she could not bring her mind to it and that it must remain as it was. The question was whether there had been a sufficient revocation of the destroyed will. Butt, J., held there had not, and that there was no sufficient evidence of a subsequent ratification of the destruction of the will so as to constitute it an act done by the direction and authority of the testatrix, and he therefore granted probate of the destroyed will, the contents of which were proved by the affidavit of the executor.

WILL—EXECUTORS ACCORDING TO THE TENOR.

In *re Leven*, 15 P.D., 22, the will of the testator did not specially appoint any executors, but nominated four persons to act as his trustees, and bequeathed to them his residuary estate. The will contained directions to "my executors" as to the payment of debts and as to the manner they were to deal with the residue and other portions of the estate, and it appeared that the testator had used the