

REVIEW OF CURRENT ENGLISH CASES.

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SPECIAL POWER OF APPOINTMENT—EXERCISE OF POWER BY EARLIER WILL—NO EXPRESS CLAUSE OF REVOCATION—LATER WILL ALONE ADMITTED TO PROBATE.

Wrigley v. Lowndes (1908) P. 348 was a probate action, in which the question raised, was whether the testatrix, who was donee of a special power of appointment, had effectually exercised the power. It appeared that on 25 March, 1904, the testatrix made a will expressly exercising the power; but before her death she executed a new short will, dated 28 March, 1907, which was in these terms: "I wish to leave at my death everything I have power to will to my husband, Arthur Harold Wrigley." There was no clause revoking the prior will. The will of 25 March, 1904, made a wholly different disposition of the property subject to the power. Barnes, P.P.D., held that the second will revoked the first and was an effectual execution of the power, and was therefore alone entitled to probate.

MUTUAL WILLS—CODICIL EXECUTED BY WRONG PERSON—MISTAKE—INTENTION—REFUSAL OF PROBATE.

Re Meyer (1908) P. 353 is a somewhat curious case. Two sisters desired to make codicils to their respective wills, each in favour of the other. They went together to a solicitor's office to execute them, but by mistake, instead of executing the codicil to their own wills, each executed the codicil to the other's will. Some of the provisions of each codicil were the same. It was contended that at all events as to these provisions the codicils might be valid, but Barnes, P.P.D., held that it was clear that each codicil had been executed under a mistake, and was not the document intended to be executed, and therefore it was wholly void and not entitled to probate.

ADMIRALTY—SHIP—BILL OF LADING—DAMAGE TO CARGO—NEGLIGENCE OF SHIPOWNERS' SERVANTS.

The Schwan (1908) P. 356. In this case the plaintiffs, the owners of a cargo, sued the shipowners for damage to the cargo. The shipment was made under a bill of lading which contained