

passed expressly giving such power to the States and the point in controversy could not arise again, and, as the amount in question was trifling, leave was refused.

**TWO CONTEMPORANEOUS WILLS—ELECTION—TESTATOR'S WIDOW
ELECTING TO TAKE AGAINST ONE WILL, CANNOT CLAIM UNDER
THE OTHER.**

Douglas-Menzies v. Umphelby (1908) A.C. 224 was an appeal from the Supreme Court of New South Wales. A summary application was made to that court to determine the rights of parties under two separate wills made by a testator concerning respectively his estates in Scotland and Australia and which wills together formed one scheme for the distribution of his estate. The widow elected to take against the will dealing with the Scotch estates, but claimed the benefit of the provisions made for her benefit by the will dealing with the testator's Australian property. The New South Wales court decided she could do this, but the Judicial Committee of the Privy Council (Lord Macnaghten, Robertson, Atkinson and Collins and Sir A. Wilson) held that the two instruments formed one will, and that the widow having elected to defeat the will in part could claim no interest under the Australian will. Their Lordships also held that the appellant, who was a beneficiary under the Scottish will only, had a good locus standi to maintain the appeal, being interested in protecting the Australian estate in order to compensate those who had been deprived of benefits under the will by the widow's election.

**REGISTRATION OF TITLE—WRONGFUL REGISTRATION—REMAINDER-
MAN—MEASURE OF DAMAGES.**

Spencer v. Registrar of Titles (1908) A.C. 235 was an action to recover compensation against the Assurance Fund under the West Australian Torrens Act for damages sustained by the plaintiff through the wrongful registration of the title to certain land in 1875 at which time the plaintiff was entitled thereto in remainder. The plaintiff's estate fell into possession in 1903 and the question was whether the measure of damages was the value of the land and building as they existed in 1875 or in 1903. The Australian Court held that the measure of damages was the value of the land exclusive of any buildings erected thereon after 1875, but the Judicial Committee (Lords Macnaghten, Robertson, Atkinson and Collins, and Sir A. Wilson)