

such disreputable stories.\* In *McQueen vs. Farquhar*, 11 Vesey, 480, Lord Eldon referred to the case, and Sir E. Sugden, then Chancellor of Ireland, thus spoke of it:—

“But even if such an abuse should be attempted, a court of equity is not powerless to guard against it. Lord Sandwich’s case decided this. There, a father who had a power of appointment among his children, supposing that one of them was in a consumption, executed his power in favor of that child, and the court declared the appointment to be void, being of the opinion that the object of the appointor when he made the appointment was that he might himself have the chance of getting the share as administrator of his child.” *Keily vs. Keily*, 4 Drury & Warren, 55.

*Lady Wellesley vs. The Earl of Mornington*, 2 Kay & Johnson, 143, was almost identical with Lord Sandwich’s case.

On the Earl of Mornington’s marriage, in 1812, estates were settled to the husband and wife for life, with a power reserved to him to appoint £40,000 among the children of the marriage. In 1850, the Earl appointed the greater part of this sum (which, it will be remembered, had been his own money) to his son James, who soon after died. The bill was filed by one of the other children to set aside this appointment, on the ground that it was well known to the Earl that James’ life was despaired of; that the appointment was made by him for his own benefit and advantage, being the next of kin of his son, and without regard to the interests of his other children. The Earl, in his answer, swore distinctly that his only motive in making the appointment was, that having reason to fear that James might continue in an infirm state of body and mind, he was anxious to make such a provision as should enable him to live in comfort, and that he exercised a discretion which he was entitled to exercise under the settlement. And in a subsequent affidavit he swore that before the appointment he had been informed that James had, some time before, executed a will bequeathing all his estate to “a lady

\* Lord Sandwich married in 1740 and died in 1792, so that the decision was probably made at least a hundred years ago. One of his mistresses married Dr. Dodd, and another was shot in a hackney-coach.