

5. (A) Not the power is special but non-terminating. While it is true that A must appoint to his issue he does not have to appoint to all of his issue. This is evidenced by the words used in the instrument itself the words used were "I do and ~~will~~ of his issue as a shall appoint." This cannot be construed as meaning that A cannot exclude any of his issue.

(B) No. the gift to the issue of B is invalid. Since this is a special power and not a general power you must read it as in the instrument creating the power. By removing it from this date the gift to the issue of B would be void as against the P. P. Special powers for the purpose of vesting are removed from the <sup>time of the</sup> instrument of power creating the power whereas general powers are removed from the exercise of the power. There is no doubt here that this was a special power since the issue of the power was limited to heirs to whom