

one of the justices was disqualified from acting by reason of bias and interest. It appeared that a meeting had been called by a district surveyor to consider the obstruction of a highway by the defendant, who had deposited a heap of earth and manure thereon. A justice of the peace, who was also one of the ratepayers, moved a resolution calling on the defendant to remove the heap. The defendant not having done so, a summons was taken out against him for depositing it on the highway and for failing to remove it after notice. The justice who had moved the resolution sat with another justice and adjudicated on the summons, and they made an order directing the heap to be removed and sold, and the proceeds applied to the repair of the highway. Mathew and A. L. Smith, JJ., granted the motion, holding that the justice who had moved the resolution was disqualified, both on the ground that there was a reasonable suspicion of bias on his part, though there might not have been bias in fact; and also on the ground of his having, as a ratepayer, a pecuniary interest in the result of the summons.

PROBATE—TORN WILL—COPY—GRANT OF PROBATE.

*In the goods of Leigh* (1892), P. 82, one of the sons of the testator had applied for a copy of his will. After the copy had been made, he snatched the original out of the hands of the person in whose custody it was and tore it into pieces. Most of the pieces were recovered and pasted together, but parts were missing. The court held that the contents of the missing portions might be supplied from the copy, and that probate should be granted of the remains of the original and the copy.

PROBATE—WILL—CONSTRUCTION—APPOINTMENT OF EXECUTORS—LEGITIMATE AND ILLEGITIMATE NEPHEWS OF THE SAME NAME—EXTRINSIC EVIDENCE.

*In the goods of Ashton* (1892), P. 83, a testator by his will appointed four executors, one of whom was described as "my nephew G. A." It appeared that there were two persons of that name, both nephews—one legitimate, the other illegitimate. The testator also nominated as another of his executors "my nephew E. A.," and it appeared that he was his illegitimate grand-nephew, being the son of his illegitimate nephew. He also described as "my niece" a person who was his illegitimate niece. Under these circumstances, Jeune, J., held that as it appeared that the testator applied the terms "nephew" and "niece" indiscriminately to his legitimate and illegitimate relatives, extrinsic evidence was admissible to show that the illegitimate nephew G. A. and not the legitimate nephew was the person intended to be nominated executor.

PROBATE—WILL PROVED IN FOREIGN COUNTRY—PROBATE OF COPY.

*In the goods of Lemme* (1892), P. 89, the will of a testator had been proved in France and the original deposited with a notary who, according to French law, was forbidden to allow it to be removed from his custody. Under these circumstances, Jeune, J., granted probate of a copy of the will properly proved to be such until such time as the original should be brought in.