

this year. We shall, however, reserve full space (and our borders will be enlarged for that purpose) for the discussion of all matters affecting the Local Courts and County and Municipal officers, and we trust to receive the same support from our friends "of that ilk" as formerly. We must, moreover, owing to the increased price of printing and all other expenses, increase our annual subscription to the *Law Journal*, which we shall send to the present subscribers of the *Local Courts' Gazette* unless they express a desire to discontinue their subscription.

We thank our many kind friends among the County and Division Court officers for their support, and for many expressions of satisfaction and good-will. We trust they will be able to continue their support and encouragement when the *Local Courts' Gazette* shall have again merged in the *Canada Law Journal*.

The complications of modern society are now occasioning no small trouble in legal circles, in view of the possible and actual *status* of the softer sex. Take the case of a woman fully divorced. What is her proper "addition" in law? Is it "spinster"? Take the still more puzzling case of a woman not fully divorced, who has only a decree *nisi* for the dissolution of her marriage. How is she to be styled? In the *Nisi Prius* case of *Fletcher v. Krell*, the point was raised as to the effect of the word "spinster," if used as descriptive of a woman in a contract. The defendant maintained that it was in effect a warranty of her condition, and that consequently the plaintiff, who had entered his employment as governess under the title of "spinster," when in fact she was a woman divorced from her husband, had committed a breach of warranty, and was not entitled to recover for her services.

So in *Munt v. Glynnes*, 20 W. R. 823, the Master of the Rolls refers to the anomalous position in which a lady is placed by a decree for judicial separation: "She is at once divorced and not divorced; no longer a wife, and yet not an unmarried woman." The *Solicitor's Journal* dives into the old cases on the subject, and inclines to the conclusion "that a divorcee (this is nearly as bold a coinage as the famous Belleville term, "*seductee*") might be properly styled 'single woman,' which in strict technicality is applicable to an unmarried woman who is not a virgin."

Among other notable things is pointed out that a woman's degree would not be sufficiently stated by styling her "wife of A. B.," unless her husband's mystery or estate were alleged (*Re Gardner*, 1 C. B. N. S. 215), but that the curious description, "spinster, otherwise wife of A. B.," has been held sufficient: *Anon.* 3 New Prac. C. 19; *Dyer*, 88, a.

The English *Law Journal* is in favour of the extension of the equitable doctrine of "undue influence" to cases of testamentary disposition of property, in the same way and to the same extent as it obtains in gifts *inter vivos*. It lays down—and we think with great good sense—that when the relation between the testator and the legatee is that of doctor and patient, or priest and penitent, then if the bequest is disputed, the burden of proof should be cast upon the recipient of the gift. As the law now stands, the *onus* is the other way—upon the person who calls the will in question. But, as the *Law Journal* puts it, there is no hardship in calling upon the legatee to explain the precise character of the influence which he brought to bear upon the testator. Then, when he had cleared himself of any imputation of undue influence, the burden of proof would be shifted to the person attacking the will.

THE NEW VICE-CHANCELLOR.

Whilst discussing recently the probable successor of Mr. Mowat, we expressed a hope that the appointment might be made without delay, and that political considerations might not influence the selection. The seat has been filled with promptitude, and by the choice of a gentleman opposed in politics to the Dominion Government.

Whilst admitting that the appointment of Mr. S. H. Blake was to us, as we believe to a large number in the profession, somewhat a matter of surprise, we are bound to say that the feeling did not arise in the least from any doubt as to his capacity for the office. It was rather that it was thought that some older member of the Bar, having at least equal claims, would have been appointed; and, on the other hand, that Mr. Blake would scarcely resign his lucrative practice at his time of life, for the hard work and bad pay of a Vice-Chancellorship.

But though young in years, Mr. Blake has had, during all the time he has been in prac-