

CURRENT ENGLISH CASES.

WILL—OBLITERATION—WORDS OF WILL BEFORE OBLITERATION, APPARENT—
—EXPERTS—EVIDENCE—WILLS ACT (1 VICT., c. 26), ss. 20, 21—R.S.O.,
c. 109, s. 23).

Finch v. Combe, (1894) P. 191; 6 R. May, 61, is the only case in the Probate Division which seems to require notice here. From this we learn that a testator who seeks to obliterate a passage in his will by pasting paper over it must, in order to do so effectually, be careful to use paper that is not transparent, for where he omits this precaution, and the obliteration is made after the will is executed, and such obliteration is not properly attested, the words of the will in its original form, if they can be deciphered, will prevail. In this case a testator had altered his will in this manner, and, by the consent of parties, the will was submitted to an expert to see if he could make out what was originally written, with instructions not to use chemicals, water, or to remove the slips of paper pasted on. By surrounding the slips with cardboard, and holding the will to a window pane, the expert was able to decipher what had been originally written. The president decided that the words thus made out were "apparent" within the meaning of the Wills Act, s. 21 (R.S.O., c. 109, s. 23), and must be admitted to probate.

COPYRIGHT IN PAINTING—TABLEAUX VIVANTS—FINE ART COPYRIGHT ACT, 1862
(25 & 26 VICT., c. 68).

In *Hanfstaengl v. Empire Palace*, (1894) 2 Ch. 1, the Court of Appeal (Lindley, Kay, and Smith, L.JJ.) affirmed the decision of Stirling, J., that the representation of a picture by a *tableau vivant*, formed by grouping living persons dressed in the same way and in the same attitudes as the figures in a picture which was the subject of copyright, is not an infringement of the copyright. A photograph or drawing of such a tableau would be an infringement of the copyright of the painting, notwithstanding that the tableau itself was not: *Hanfstaengl v. Newnes*, 8 R. May, 127.

HIGHWAY—CONVEYANCE OF ADJOINING LAND—PRESUMPTION—REBUTTAL OF PRESUMPTION.

Pryor v. Petre, (1894) 2 Ch. 11, was an action brought to establish the plaintiff's title to the soil of a certain highway