came into possession of considerable landed property in Shropshire. At his death his personal estate was of the value of 62,000*l.* ; his realty was of the value of 1500*l.* a year. The will was prepared by Mr. Marston, who was a solicitor at Ludlow, and who was recommended to him at his desire by Sir Charles Boughton. By the will the testator gave legacies of 8000*l.* to his son James, 7000*l.* to his son Charles, and a life interest in 10,000*l.* to his son John, 10,000*l.* to his brother Humphrey, 10,000*l.* to be divided between the daughters of his deceased brother Thomas, 1500*l.* to his sister, Mrs. Mansfield ; 1000*l.* to each of his executors, and then smaller legacies, amounting together to 1300*l.* He appointed Sir Charles Boughton residuary legatee and devisee, and he also named him joint executor with Mr. Marston.

In support of the will the plaintiffs relied on the fact that the testator, who was admittedly of eccentric habits, and led a retired and secluded life, had always managed his own affairs, and had been treated by those with whom he had business transactions as of sound mind. For the defence it was alleged, that besides labouring under mental perversion in some other particulars, the deceased had conceived an insane aversion to his children, and that he was actuated by it to dispose of his property in the manner in which it was purported to be conveyed by the will.

Sir C. Boughton was a neighbour of the testator, and was on friendly, but not on intimate terms with him.

The case was tried before Sir J. Hannen and a special jury, and the trial extended over thirteen days in the month of March.

Serjt. *Parry* (with him *Day*, Q.C., and *Inderwick*), for the plaintiffs.

Sir *J. B. Karslake* (with him *Lloyd*, Q.C., Dr. *Swabey*, and *C. A. Middleton*), for the defendants.

In the course of his summing up to the jury, Sir JAMES HANNEN made the following observations :—The sole question in this case which you have to determine is, in the language of the record, whether Mr. John Knight, when he made his will, on the 27th Jan., 1869, was of sound mind, memory and understanding. In one sense, the first phrase, "sound mind," covers the whole subject ; but emphasis is laid upon two particular functions of the mind which must be sound in order to create a capacity for the making of a will, for there must be memory to recall the several persons who may be supposed to be in such a position as to become the fitting objects of the testator's bounty. Above all, there must be understanding, to comprehend their relations to himself, and their claims upon him. But, as I say, for convenience, the phrase "sound mind," may be adopted, and it is the one which I shall make use of throughout the rest of my observations. Now you will naturally expect from me, if not a definition, at least an explanation of what is the legal meaning of those words, "a sound mind ;" and it will be my duty to give you such assistance as I am able, either from my own reflections upon the subject, or by the aid of what has been said by learned judges whose duty it has been to consider this important question before me. But I am afraid that, even with their aid, I can give you but little help, because, though their opinions may guide you a certain distance on the road you have to travel, yet where the real difficulty begins—if difficulty there be in this case—there you will have to find or make a way for yourselves. But I must commence, I think, by telling you what a "sound mind" does not mean. It does not mean a perfectly balanced mind. If it did, which of us would be competent to make a will ? Such a mind would be free from the influence of prejudice, passion, and pride. But the law does not say a man is incapacitated from making a will because he proposes to make a disposition of his property which may be the result of capricious, of frivolous, of mean, or even bad motives. We do not sit here to correct injustice in that respect. Our duty is limited to this—to take care that that, and that only, which is the true expression of a man's real mind shall have effect given to it as his will. In fact, this question of justice and fairness in the making of wills, in a vast majority of cases, depends upon such nice and fine considerations that we cannot form, or even fancy that we can form, a just estimate of them. Accordingly, by the law of England, every man is left free to make choice of the persons upon whom he will bestow his property after death, entirely unfettered as to the selection which he may think fit to make. He may wholly or partially disinherit his children, and leave his property to strangers, to gratify his spite, or to charities to gratify his pride ; and we must respect, or rather I should say we must give effect to, his will, however much we may condemn the course which he has pursued. In this respect the law of England differs from the law of other countries. It is thought better to risk the chance of an abuse of the power arising, than altogether to deprive men of the power of making such selection as their knowledge of the characters, of the past his-