

the poor of Constantinople, was held to be perfectly valid (*Austen v. Graham*, 8 Moo. P.C.C. 493). In 1838, a man named Boys, a clerk and bookkeeper, by his will left all his property to a stranger, and directed his executors to cause some of his bowels to be converted into fiddle strings, others to be sublimed into smelling salts, and the remainder of his body to be vitrified into lenses for optical purposes. This extraordinary will was upheld. (*Vide Monthly Law Magazine* for 1838, p. 117.) But surely the sanity of this testator was, at least, open to suspicion. Some restraint should certainly be placed on the arbitrary power of disinheriting those who have a natural claim on the testator. It is easy to conceive a case where a father might reasonably punish a worthless son by leaving him merely the means of subsistence; but the law should be at liberty to set aside wills which are inofficious, or, to use a less technical word, unnatural. Nearly every code of laws, except the English, has limited the powers of testators in this respect. In the laws of ancient Rome there was a form of procedure known as the *querela inofficiosi testamenti*, whereby children or other persons who had without cause been excluded from the testator's will could seek to set it aside, even though it was formally perfect. Even brothers and sisters of half-blood were allowed to bring this suit by the laws of Justinian. It should, however, be mentioned that, if anything was left to a person by the will, he could not attack it as *inofficiosum*, but he had the right to bring the action in *supplementum legitimæ*, to have that which was left to him made up, so as to equal the fourth part of what he would have taken *ob intestato*. The testator's power of disposition is greatly restricted in France and Spain. In France, if a man at the time of his death has only one legitimate child, he cannot dispose of more than a moiety of his goods; if he leaves two children, he can only dispose of a third; and if he leaves three or four, he can only dispose of a fourth. In Spain, he who has a child, grandchild, or other descendant, can only will one-fifth to strangers. If he has no legitimate offspring he may give all to his illegitimate children; and a woman may, in the absence of legitimate offspring, leave all she dies possessed of to illegitimate children, provided they are not the fruit of adultery. The Italian law has somewhat similar provisions. In Turkey there is no power of making a will, and the law disposes of a man's property. Of course, there is an exception in the case