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Kentucky has had a curious will case. A person by the name of Likefield seems to have been under the impression that if he died at all he would die away from home, and he made his will in these terms: "If any accident should happen to me that I die from home, my wife shall have everything I possess." He lived for many years and finally did not die "from home." But he had preserved the old will and read it within a year of his decease. The Court of Appeals, (*Likefield v. Likefield*) holds that the testator's dying away from home was not a condition precedent, and that the wife was entitled to the estate under the will. There were some adjudged cases which seemed to point to a different conclusion. Thus in *Parsons v. Lanoe*, 1 Ves. Sr., 190, the words "If I die before my return from my journey to Ireland," were held to constitute a contingent will, and an inoperative one because the maker returned home. "In case I die before I join my beloved wife," shared a like fate in *Sinclair v. Home*, 6 Ves. Jr. 607. The Kentucky Court say: "The will in this instance fixes no limit or time, as during a particular journey, or for a particular length of time. It refers to no particular expected calamity, and the words are general in their character. It is shown that the testator carefully preserved the paper, and that he examined it the year prior to his death."

Of the case of a cabman receiving a sovereign for a shilling, and keeping it (noticed on pp. 105, 122 of this volume), the *St. James' Gazette* says: "If a sovereign is given to a cabman by his fare, both parties believing it to be a shilling, and an hour later the cabman discovers the mistake and keeps the sovereign, has he stolen it? The argument of this question before the Court for Crown Cases Reserved last week afforded excellent entertainment to a professional audience. The difficulty is, that to 'take and carry away

animo furandi' is an essential part of the common-law definition of larceny, and that in this case the cabman did not form a felonious intention about the sovereign when he took it and carried it away, because he then believed it to be a shilling. On behalf of the Crown it was argued that either he took it when he knew it was a sovereign, or the felonious intention which he subsequently formed relates back to the time when he took it. Before the argument had gone far it was apparent that the five judges who were hearing the case were not agreed, and while Lord Coleridge had no doubt that the sovereign was stolen, Mr. Justice Stephen was equally positive that it was not. Mr. Justice Cave further complicated matters by throwing out a suggestion that the cabman might have committed the statutory offence called larceny by a bailee. In the result the Lord Chief Justice announced that the Bench was so seriously divided in opinion that there must be a further argument before the full court—that is the whole Queen's Bench Division; so that the frequenters of the law courts will again be gratified by the most impressive legal spectacle left to us in these prosaic days, that of twelve or fourteen judges all sitting together to decide a question of criminal law."

At a late dinner of the Boston Bar, Judge Oliver Wendell Holmes (son of the Professor) grew enthusiastic over the work and scope of the profession. "The court and the bar," he said, "are too old acquaintances to speak much to each other of themselves or of their mutual relations. I hope I may say we are too old friends to need to do it. If you did not believe it already, it would be useless for me to affirm that in the judges' half of our common work the will at least is not wanting to do every duty of their noble office; that every interest, every faculty, every energy, almost every waking hour is filled with their work; that they give their lives to it, more than which they cannot do. But if not of the bench, shall I speak of the bar? Shall I ask what a court would be, unaided? The law is made by the bar, even more than by the bench; yet do I need to speak of the learning and varied gifts that have given the bar of this State a reputation throughout the