

VERDICT AGAINST WEIGHT OF EVIDENCE—NEW TRIAL—ISSUE AS TO TESTATOR'S CAPACITY—EVIDENCE, WEIGHT OF.

In *Aitken v. McMeckan*, (1895) A.C. 310, the Judicial Committee of the Privy Council (Lords Watson, Hobhouse, Macnaghten, and Morris, and Sir R. Couch) have, on appeal from Victoria, done a somewhat unusual thing, inasmuch as they have reversed the judgment of the court below on a question of evidence, and set aside a verdict as contrary to the weight of evidence, and granted a new trial. The question at issue was the testamentary capacity of a testator, and the medical evidence was considered insufficient to support the verdict, while the other evidence of incapacity related to irrelevant circumstances, and was contradicted by witnesses who deposed to actual transactions with the testator, and to his conduct and condition when the will was executed. The verdict, we observe, was not unanimous, but that of a three-fourths majority of the jury, but this circumstance is not made a ground for interference; but the fact that the judge who tried the case was dissatisfied with the verdict, and thought it was wrong, was considered to be material.

Correspondence.

To the Editor of THE CANADA LAW JOURNAL :

SIR,—I would like your opinion on a matter of professional etiquette upon which I may be in error. I have had only three contentious matters with a legal firm, who are also university graduates, as their letter-heads proclaim, and in each case, after the matters were in the hands of his solicitors, they have approached and influenced my client behind my back. They appear to consider this conduct quite proper and correct. I do not. During the twenty-five years I have been in practice such methods were never adopted to my knowledge.

W. H. BARTRAM.

London, August 8th.

[It seems hardly necessary to say that the conduct complained of would be most objectionable, and would merit and receive the disapproval of the Discipline Committee of the Law Society.—Ed. C.L.J.]