

The Legal News.

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MUTILATION OF WILL.

A strange case of admitting the torn fragments of a will to probate has just been decided in England. In *Wells v. Waight* (Prob. Div., Nov. 3, 1882), the testator was an engineer on a channel steamer. In 1876 he made his will leaving everything to his wife, and he confided the document to her keeping. Some time afterwards, in the course of a conjugal quarrel, the wife, in a passion, tore the will into shreds, and tossed them into the fireplace. The husband picked them up and placed them in an envelope which he carried in his pocket. He subsequently told his wife that he would get the will put straight again. In June, 1881, the husband died of smallpox in his berth on board the steamer, and the fragments of the will were found in the envelope in his pocket. The Court admitted the will to probate, notwithstanding the opposition of the children. The ground of the decision was, that, though the presumption of law is that if a will be found in a testator's possession in a mutilated condition, it was not intended to be renewed by him (*Lambert v. Lambert*, 3 Hagg. 568); yet under the circumstances, the presumption was rebutted by its being shown that the testator had not himself mutilated it, and also that he had no *animus revocandi*.

STAMPS ON PROMISSORY NOTES.

We thought that we had heard the last of a very unpleasant class of cases. But in a recent number of the *Canada Law Journal* (vol. 18, p. 438) a case of *Bradley v. Bradley* is reported, in which the Judge of the County Court of the County of Victoria had to pass upon a very curious difficulty. To an action on two promissory notes, the defendant pleaded want of stamps. The plaintiff replied, alleging double stamping since the passing of 45 Vic. cap. 1. To this reply the defendant demurred, the fourth ground being that 45 Vic. cap. 1, repealing the Stamp Act, took away the right to double stamp, and if the note was void at the

time of the passing of that Act there was now no authority to make it good. The County Court Judge maintained this demurrer. The Judge observed: "It is certainly very unfortunate that a statute of so much importance should have been framed with so little attention to the consequences of some of its provisions. It is said that the last will of a party is to be favorably construed, because the testator is *inops consilii*. That we cannot say of the Legislature, but we must say that it is "*magnas inter opes inops*." So that the repeal of the Stamp Act has had the singular effect of depriving the owner of a note void for want of stamps at the time of the passing of the repealing Act, of the privilege of making it good, by affixing double stamps, as was formerly allowable.

NOTES OF PUBLICATIONS, &c.

THE AMERICAN LAW REVIEW, December, 1882, Little, Brown & Co., Boston.

An announcement appears in the December number that the *American Law Review* has been transferred to the publishers of the *Southern Law Review*, St. Louis. The two publications will be merged into one, which will bear the old title of "The American Law Review," and will retain "all the best features of the two Reviews." The *American Law Review*, during the past sixteen years, has occupied a very prominent place in the legal literature of the United States, and has been conducted with marked ability and vigor. The mantle of the departed Review, however, has fallen upon a worthy successor, and we may expect to see the promise of the prospectus honorably fulfilled. But what say the New England bar to this injunction to "go West" for their legal literature?

THE CRIMINAL LAW MAGAZINE. F. D. LINN & Co., Jersey City.

The November number brings volume III of this publication to a close. The *Criminal Law Magazine* is admirably managed, and keeps the profession well informed with regard to all important criminal decisions, the leading cases being reported in full, and the rest embodied in an alphabetical digest which appears in each issue.

THE QUEBEC LAW DIGEST, by Mr. C. H. Stephens, B.C.L., Advocate.

Part III., which has just been issued, completes the second volume of this useful publication, comprising over 400 pages.