codicil that makes any disposition of property at all, must be considered to be dependent on the will which disposes of the rest, for the codicil conveys only a part of the testator's intention regarding his property, and the motives inducing that particular part of his intention cannot with any certainty be dissevered from the motives which induced the disposition of the rest.

It is difficult, if not impossible, to predicate of a particular bequest in a codicil that the testator would have made it if he had disposed of his other property in any different manner than that expressed by his will. It may be that the independence of the will spoken of must be something of a more limited character. And the meaning of the cases may be that a codicil is independent of the will unless it is of such a character that the giving validity and effect to it without the will to which it was intended to be attached would produce some manifest absurdity. I am not sure that even this rule is capable of being easily applied to all the cases that might arise, and I have serious doubts whether such a rule is to be gathered from the cases with sufficient distinctness to justify the Court in adopting it. But all these cases occurred before the Wills Act. Now the section of that Act is most distinct and positive in its terms. "No will or codicil," &c. And I should have had no hesitation in holding that the intention of that section was to do away with all implied revocations and relieve the subject from the doubt and indistinctness in which the cases had involved it. But there have been two cases decided since the Act. The first of these, *In the Goods of Halliwell*, 4 Notes of Cases, 400. The codicil was dated September 5th, 1845, and commenced thus:—"This is a codicil to the will of me R. H. and which I desire to be added to my will," and it related solely to account between himself and his partners, containing no bequest or appointment. The testator died on the 7th of September, 1846, and he expressly declared shortly before the making of the codicil that he had made a will and that it was then in existence. In that case, the Court said that, supposing it all to have been destroyed, the codicil would, upon the general principle, fall with it, but held that there was an exception in favour of the paper, inasmuch as it seemed to have been made for a particular purpose, and admitted to proof. Then comes the case of *Clogstown* v. *Walcott*, 5 Notes of Cases, 623, in which the will was made in 1840, the codicil in 1842. In April, 1846, he destroyed it all, and in so doing so expressed anxiety about the codicils observing this better. It would not affect the codicils with it. In that case for the first time the Wills Act was cited, and the way the learned judge referred to it was as follows:—"Under the old law the effect of destroying a will was by presumption to defeat the operation of the codicil to that will, but by the present law there must be an intention to destroy. Here, however, the deceased did not mean to destroy the codicils, but on the contrary he expected at the time and declared afterwards that the parties mentioned in the codicils would have the benefit of the legacies he had given them. I am of opinion that the Court is bound to pronounce for the solidity of the two codicils, and I decree probate of them to the brother who is executor according to the tenor on the first codicil." Since this last was established a case occurred, *Grimwood* v. *Cozens*, 2 Sw. & T. s. 64, which was heard in 1860, and in that case Sir C. Cresswell said, "I think it has been established by the cases cited at the bar that previous to the passing of 1 Vict. c. 26, a codicil was *primâ facie* dependent on the will, and that the destruction of the latter was an implied revocation of the former, and moreover that Sir H. J. Fust was of opinion that no alteration of this principle was made by the passing of the statute. The question there is entirely one of the intention of the deceased. When a will and codicil have been in existence and the will is afterwards revoked it must be shown by the party applying for probate of the codicil alone that it was intended by the deceased that it should operate separately from the will, otherwise it will be presumed that, as the will is destroyed, the codicil also is revoked." In that case the learned judge seems to have taken it for granted that there was no alteration in the principle, and to have decided the case as if it was under the old law.

Now in reviewing these decisions I cannot perceive that the effect of the statute has been fully considered by the Court. Sir C. Cresswell seems to have thought that it had been decided that the statute made no difference, and passed it by as being so. And Sir H. J. Fust discussed the point without any meaning whatever, merely approving that the statute had made it necessary that there should be an affirmative intention to revoke; but the statute says nothing of the kind, and unless it makes an actual revocation necessary it does not interfere with the existing law at all. In this unsatisfactory state of things I think I shall do best in such a case as the present by adhering to the statute, and by holding that as this codicil has never been revoked in any of the modes indicated by the statute as the only modes by which a codicil is to be revoked, it remains in full force and effect and is entitled to probate.

CORRESPONDENCE.

Master and Servants Act—Jurisdiction of Magistrates.

To the Editors of the Local Courts' Gazette.

Gentlemen,—The authority vested in a Justice of the Peace under the Master and Servant Act (Con. Stat. U. C. cap. 75, sec. 12), appears to be very differently interpreted, and therefore, you will, no doubt, confer a favour upon Magistrates in general by giving your valued and esteemed interpretation of the same.

"1. Any one or more Justices of the Peace may summon a master or employer to appear before him or them *at a reasonable time*, to be stated in the summons," &c.

Now what is understood by *a reasonable time?*

The writer of this letter has seen such a summons issued on a certain day, requiring the appearance of the master on that same day