

## CURIOSITIES AND LAW OF WILLS—LORD ABINGER AND THE NORTHERN CIRCUIT.

able powers, interferes on behalf of the child to see that it gets its due share of the property; but where the intention is expressed, and much more when a reason is given for cutting off a child, the courts cannot interfere on its behalf, unless on some imputation of insanity or undue influence. We wish our author had given us some authority for this statement. If he had had an opportunity of reading the case of *Syden v. Lord St. Leonards* L. R. 1 P. D. 154, Mr. Proffatt probably would not have said that the English courts do not admit lost wills to probate (p. 161) as the Americans universally do.

Under the head of "Revocation of Wills," there is a decided case given to the effect that a will is not revoked by its being gnawed to pieces by rats, the fragments being pieced together afterwards *Etheringham v. Etheringham*, Ayley 2.) Where a sick man in bed asked for his will that he might destroy it, and an old letter was handed to him which he tore up, supposing it to be the will, it was held that this was a good revocation: *Pryor v. Coggin*, 17 Ga. 444. *Smiley v. Gambell*, 2 Head. 164.

The way in which wills are affected by the domicile of the testator was most carefully discussed in the interesting case of the will of Koscius, the celebrated Polish General. "Warsaw's last champion," at whose fall "Freedom shrieked," and "Hope, for a season, bade the world farewell" was possessed of a considerable sum of money in the United States, the arrearages of his pay as an officer of the army during the Revolution. Although the gallant patriot left four wills it was held that as to his American property he died intestate, and that the same should be distributed according to the law of France, where Koscius was domiciled at the time of his death: *Emmis v. Smith*, 14 Hon. 400.

The concluding chapter "on the construction of wills" reminds one too strongly

ly of Jarman's disquisitions to make the consideration of it very delightful work during the long vacation, although if we had to ponder the question at all we would greatly prefer peering into the pages under review to wading through those of Jarman or Theobald.

We close the book with feelings of gratitude to the author who has enabled us to refresh our memory so easily and pleasantly; with a faint pang of regret that all our examinations are over, (this would be such a delightful book to get up); and with the idea that students will find it a useful primer from which to obtain their first ideas on this important branch of the law, and practitioners in Canada, an equally useful book because of the numerous American decisions cited and remarked upon, and the old English acquaintances so pleasantly recalled to mind. We trust that Mr. Proffatt will soon take up his pen again; one who can thus rapidly combine the *utile et dulce* should not be allowed to remain idle.

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Under this heading the July number of *Blackwood* treats us to a most interesting sketch of the life of this well-known Chief Baron, better known to the public, as Sir James Scarlett. Want of space forbids our republishing the article in full. Those who wish to spend a half-hour in vacation time, cannot do better than read it in full in the pages of that prince of magazines, that now lies before us.

Scarlett was, as is well-known, one of the most, if not the most successful advocate that ever addressed a British jury. And one of the funniest evidences of this fact, if not the most conclusive, is the following anecdote of a Lancashire labourer, who had frequently witnessed the forensic contests at the