

THE ROMANCE OF LAW.

The Swinfen Case.

SOME thirty years ago there dwelt in Staffordshire an old country gentleman named Sam Swinfen, the possessor of an estate valued at between 60,000*l.* and 70,000*l.* He had inherited his property somewhat unexpectedly, and for many years he and his wife passed a secluded life in two rooms of the old mansion; on her death in 1848, however, he invited his only son, H. I. Swinfen, to take up his abode with him. This the younger man did, bringing with him his wife, with whom he had contracted a romantic marriage against his father's approval. The old sore was healed, and a complete reconciliation took place. The son set about improving the estate with marked success, and all went well till the latter's sudden death in 1854. The father was now eighty years of age, and in a state of physical, and as it was then thought, mental paralysis. In fact, friends of the family, writing in the widow's behalf, in answer to letters of condolence, stated that 'old Mr. Swinfen was happily spared the shock, being incapable of understanding the loss he had sustained.'

The old gentleman, in fact, was not insane. He knew that in default of a will the estate would pass to the heir-at-law and representative of his predecessor, Captain Swinfen, of the 6th Dragoon Guards, and after due consideration he gave instructions for and executed a will, whereby he devised the whole property to the widow. The will was made on July 7, 1854, and on the 26th of the same month the testator died.

Thereupon Captain Swinfen cast about for means of upsetting the testament, and invoked to his aid the old familiar friend of lawyers—'mental incapacity.' He filed a bill in Chancery, and by consent an issue *devisavit vel non* was sent down for trial, and came on for hearing before Cresswell, J., and a special jury at Stafford Assizes on Saturday;