

years, half of them to be chosen every two years. There are to be semi-annual meetings of Congress, the sessions not to be less than forty days in duration—so there will be ample opportunity for the exercise of native rhetoric, possibly a very useful vent for that perfervid temperament which the young, both of nations and of individuals, are prone to manifest. There is one innovation upon the American plan which may do admirable work in destroying sectionalism in the new republic, namely, there is no restriction in the Constitution as to the local residence of the members of either house of Congress.

We extend the felicitations of the Canadian bar to the Cuban republic, and express the hope that it has taken a useful and permanent place in the history of civilization in the Western Hemisphere.

#### *MISTAKES AND DEFECTS IN WILLS.*

Mistakes and defects in wills stand upon a somewhat peculiar footing. A will is a unilateral instrument intended to reflect the will of the testator, and no one else's, save so far as it is identical with that of the testator. A will however is frequently drawn by some other person than the testator, it is perchance entrusted to some other person for safe keeping, and it is consequently exposed to the danger of being improperly drawn, or got at, and tampered with after execution by some interested party, and thus it happens that after a man's death it may be discovered that the document which purports to be his will, may as it then stands for some reason or other not in all respects really be his will. The person who may have drawn it may have erred, or some fraudulent alteration, or interpolation, or obliteration may have been made in the instrument. It is obvious in such a case it would not do to reject the will altogether, for that would be often playing into the hands of those who might have a direct interest in creating the difficulty. How then are the defects on the face of a will to be overcome so that the real will of the testator may be vindicated?

Mistakes in wills are of two classes, viz.: (1) Mistakes which are correctible by the Court of Probate, and (2) mistakes which can only be remedied by a court of construction. Mistakes of the first class are such as are due to some positive fraud, or clerical