

And, in such case, the defendants having put in evidence the testimony of the subscribing witnesses to the will, given when it was admitted to probate, it then devolved upon the plaintiff to show the incompetency of the testator, by proof sufficient to overcome the *prima facie* case made through the testimony of the subscribing witnesses: *Id.*

It is no objection that the attesting witnesses to a will were not present when it was signed by the testator; provided he acknowledged it as his will and requested them to sign as witnesses: *Id.*

WITNESS.

Competency of Persons Parties to the Suit—Construction of Act of 1867.—In a suit to set aside the probate of a will, on the ground of mental incapacity of the testator at the time of making it, two persons were offered as witnesses who were defendants in the suit and devisees under the will. It was objected, on the part of the plaintiffs, that these persons could not be sworn as witnesses, being incompetent as such under the 2d section of the Act of 1867, which objection was overruled, and the parties allowed to testify. *Held*, that in this, the court committed no error; that under this act, these parties were competent witnesses as to facts occurring *after* the death of the testator; that it was proper to allow them to be sworn, and that plaintiff should then have objected to questions relating to matters not occurring since the testator's death: *Holloway et al. v. Galloway et al.*, 51 Ills.

LIST OF NEW LAW BOOKS.

ATTORNEY'S BUSINESS DOCKET, Embodying a System of Bookkeeping, Record Entries, and Paper Filing, especially designed for attorneys. 1 vol., 200 pp., for 200 cases. Springfield, Ill.: E. L. & W. L. Gross; New York: Baker, Voorhies & Co. \$3.

ENGLISH CHANCERY REPORTS.—Reports of Cases in the English Courts of Chancery. With notes and references to English and American decisions. By CH. FRANCIS STONE. Vol. 44, containing Hare's Chancery Reports, vol. 10. New York: Banks & Bros., 1871.

LANSING.—Reports of Cases in the Supreme Court of New York. By A. LANSING. Vol. 2. New York: Banks & Bros., 1871.

NEW YORK.—Reports of Cases in the Court of Appeals. By SAMUEL HAND. Vol. 42. New York: Banks & Bros., 1871.

NORTH CAROLINA.—Reports of Cases in the Supreme Court. By S. F. PHILLIPS. Raleigh: Nichols & German. Shp. \$8.

STORY.—Commentaries on the Law of Bailments. By JOSEPH STORY, LL.D. 8th ed. Revised, corrected, and enlarged by EDMUND H. BENNETT. Boston: Little, Brown & Co. Shp. \$7.50.

SWEENEY.—Reports of Cases in the Superior Court of the City of New York. By JAMES M. SWEENEY. Vol. 1. New York: Banks & Bros., 1871.

VIRGINIA.—Reports of Cases in the Supreme Court of Appeals. By P. R. GRATTAN. Vol. 19. Richmond: C. A. Schaffter, 1870.