

1880  
Feb. 10.

IN THE GOODS OF BLEWITT, DECEASED.

*Will—Interlineations—Attestation by Initials.*

The initials of a testatrix and the attesting witnesses in the margin of the will opposite interlineations are sufficient to render the interlineations valid.

SARAH BLEWITT, late of No. 43, Chelsham Road, Clapham, in the county of Surrey, widow, died on the 27th of December, 1879. On the day before her death she executed her will, and after it had been duly attested two interlineations were made, the one giving an additional legacy and the other appointing another executor. The testatrix then, in the presence of the witnesses who had attested the will, signed her initials in the margin of the will opposite the interlineations, and the witnesses added their initials.

*Bayford*, for the executors, asked for the direction of the Court as to the interlineations.

*S. Stephens*, for the legatee, asked for probate with the interlineations. The statute has been sufficiently complied with: *In the Goods of Wingrove* (1); *In the Goods of Hinds* (2); *In the Goods of Amiss* (3); *In the Goods of Christian*. (4)

*Cur. adv. vult.*

Feb. 10. THE PRESIDENT. Two interlineations were introduced into the will after execution and attestation, but the testatrix signed with her initials in the margin against these interlineations, and the witnesses subscribed their initials in attestation of this signature of the testatrix. The Wills Act, s. 21, enacts that "no . . . interlineation or other alteration made in any will after the execution thereof shall be valid . . . unless such alteration shall be executed in like manner as is required for the execution of the will, but the will with such alteration as part thereof shall be deemed to be duly executed if the signature of

(1) 15 Jur. 91.

(2) 16 Jur. 1161.

(3) 2 Rob. 117.

(4) 2 Rob. 111.

the testator and the subscription of the witnesses be made in the margin," &c. 1880

The only question, then, is, whether the signature and subscription by initials only are sufficient.

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A mark is sufficient though the testator can write: *Baker v. Dening*. (1)

Initials, if intended to represent the name, must be equally good. The language of the Lord Chancellor in *Hindmarsh v. Charlton* (2), seems equally applicable to the testator's signature as to the witnesses' subscription: "I will lay down this as to my notion of the law that to make a valid subscription of a witness there must either be the name or some mark which is intended to represent the name;" and Lord Chelmsford says, "The subscription must mean such a signature as is descriptive of the witness, whether by a mark or by initials, or by writing the name in full."

In *Christian's Case* (3) the initials of the witnesses were held sufficient, although if merely placed to attest the alteration they will not serve as an attestation to the will itself: *Re Martin, deceased*. (4)

I am therefore of opinion that the interlineations against which the initials of the testatrix and the witnesses are placed, should be admitted to proof.

Solicitor for executors: *G. S. Warmington*.

Solicitor for legatee: *R. Hewlett*.

(1) 8 Ad. & E. 94.

(3) 2 Rob. 110; S. C. 7 N. C. 265.

(2) 8 H. L. C. 160, at p. 167.

(4) 1 Rob. 712; S. C. 6 N. C. 694.