clause and the exercise of either is subject to the test of reasonableness. Maggs, The Constitution and the Recovery Legislation: The Rôles of Document, Doctrine and Judges, 1 Univ. Chi. L. Rev. 665 (1934); but see 3 Law and Contemporary Problems 138 (1936).

Wills—Subsequent Conveyance as Revocation or Ademption where Testator Reacquires Property—[Illinois].—A testator devised generally all his real and personal property to the defendant. Two years later, the testator conveyed the land here in question to the defendant who subsequently reconveyed it to the testator. The testator died owning this land without republishing his will. In a suit for partition, his heirs contended that the conveyance revoked the will as to this land, even though it was subsequently reacquired, and that it passed to them by descent. From a decree dismissing the complaint, the heirs appealed. *Held*, affirmed. The conveyance did not impliedly revoke the general devise where the testator later reacquired the property. *Strang v. Day*, 199 N.E. 263 (Ill. 1935).

It was a familiar common law rule that after-acquired realty could not be devised. *Earl of Lincoln's Case*, Freeman's Ch. R. 202 (1695); see *Willis v. Watson*, 5 Ill. 64 (1842). Thus, a conveyance of land already devised operated as a revocation of the devise even though the testator reacquired the land. *Marwood v. Turner*, 3 P. Wm. 163 (1732); *Walton v. Walton*, 7 Johns. Ch. (N.Y.) 258 (1823). As to personal property, however, the common law was just the contrary; a sale of bequeathed personalty did not work a revocation and if it was reacquired by the testator, it passed by the will. *Cogdell v. Cogdell*, 3 S.C. Eq. 346 (1811). The basis for the real property rule was removed by the Wills Act in England, and by similar legislation in the United States permitting devises of after-acquired realty by making the will operate as of the testator's death, rather than as of the time of execution. 1 Vict., c. 26, § 111 (1837); Ill. L. 1833, p. 315, Smith-Hurd's Ill. Rev. Stat. 1935, c. 148, § 1; Bordwell, Statute Laws of Wills, 14 Iowa L. Rev. 187 (1929). Accordingly, in most jurisdictions today a conveyance of realty as well as of personalty does not revoke the devise and the property, if reacquired, will pass under the will. *Woolery v. Woolery*, 48 Ind. 523 (1874); *Morey v. Sohier*, 63 N.H. 507, 3Atl. 363 (1886); *Gregg v. McMillan*, 54 S.C. 378, 32 S.E. 447 (1889). Despite such legislation, however, Illinois has adopted the anomalous position of permitting reacquired personal property to pass under the will (*In re Austin*, 243 Ill. App. 386 (1927)), but of retaining the common law rule as to specific devises of realty. *Phillippe v. Clevenger*, 239 Ill. 117, 87 N.E. 858 (1909). It would seem that the court in the latter case applied the technical common law rule of revocation to a situation for which it had been rendered inapplicable by statute. 1 Page, Wills § 467 (2d ed. 1926); Costigan, Cases on Wills 363, note 42 (2d ed. 1929). Had the conveyed property never been reacquired, it of course would not have passed by the will, not because the conveyance had worked a revocation, but because the testator did not own the property at his death. The failure of a devise or bequest because of the lack of such ownership is, strictly speaking, known as ademption, not revocation. 1 Page, Wills § 456 (2d ed. 1926). There is confusion in the use of these terms, largely because under either theory the result is the same if the property is not reacquired. 26 Mich. L. Rev. 124 (1927). But nicety in expression is essential to avoid technical difficulties. Where the property is reacquired, the theory of revocation requires a republishing of the will to pass the property by the device; under ademption, however, the property passes by

the will as though it had never been alienated. 2 Page, Wills § 1329 (2d ed. 1926). The court in the principal case, although treating the problem as one of revocation, reached a result which is in accord with the weight of authority. While the decision covered only general devises, the court's language indicates that the authority of the *Clevenger* case has been seriously weakened even as to special devises. The rationale of the decisions can be reconciled only on the tenuous distinction that a subsequent conveyance implies an intent to revoke a special devise of the property, whereas there is no implied intention to revoke when the conveyance is of property which has been generally devised.

Witnesses—Privileged Communication—Duty of Reporter to Disclose Name of Informer—[New York].—The appellant, a reporter on the New York American, had written an article concerning the "policy racket." A grand jury, then investigating gambling and lotteries in New York, summoned the appellant as a witness. Upon his refusal to disclose the names of persons mentioned in his article, he was adjudged guilty of, and committed for, contempt of court. The appellant, seeking a writ of *habeas corpus*, contended that the source of his information obtained as a reporter was confidential and privileged. *Held*, the order dismissing the writ is affirmed; a newspaper reporter may not refuse to answer pertinent questions relating to confidential communications. *People ex rel. Mooney v. Sheriff of New York County*, 199 N.E. 415 (N.Y. 1936).

The proper decision of a particular case requires the disclosure of all relevant data. A privilege from testifying will therefore be denied unless some strong reasons of public policy (*e.g.*, the desire to protect the confidential nature of a certain relationship) merit more consideration than the desire to secure all the information in the individual case. 5 Wigmore, Evidence § 2285 (2d ed. 1923). The principal case is in line with the unanimous common law authority which regarded the policy arguments in favor of holding privileged confidential communications to newspapermen as inferior to those calling for the disclosure of all pertinent information. *In re Wayne*, 4 U.S.D.C. Hawaii 475 (1914); *Ex parte Lawrence*, 116 Cal. 298, 48 Pac. 124 (1897); *Pledger v. State*, 77 Ga. 242, 3 S.E. 320 (1887); *Plunkett v. Hamilton*, 136 Ga. 72, 70 S.E. 781 (1911); *In re Grunow*, 84 N.J. L. 235, 85 Atl. 1011 (1913). It has been argued, however, that in making available the news necessary for the enlightenment of public opinion, especially as to matters involving the conduct of community and governmental affairs, journalists perform a valuable service that should be encouraged. See 45 Yale L. J. 357, 360 (1935). Influenced by this feeling, four states have by statute changed the orthodox rule so that confidential communications to newspapermen are absolutely privileged. Alabama (See New York Times, Jan. 8, 1936, p. 6); Calif. Stats. 1935, c. 532, § 6; Bagby's Md. Ann. Code 1924 c. 35, § 2; N.J. Acts. 1933, c. 167, § 2. But see Governor Horner's veto of such a bill for Illinois. 68 Ed. & Pub. 18 (July 20, 1935).

The conflict between those who would deny all privileges and those who would grant an absolute privilege to journalists might perhaps be resolved by the recognition of a privilege similar to that accorded in government official and informer cases. A privilege is there granted to encourage people to communicate to the proper officials whatever information they may have concerning crimes in which the government is interested. In the absence of a privilege protecting the informant's identity, the information would not be volunteered because of the informant's fear that those against whom he had