

The plaintiff, Martha Deevy, is unable to write, and her name on the deed was not written by her personally.

The son, William James Deevy, was a locomotive fireman, and later on, and at the time of his death a locomotive engineer, and his earnings for some time prior to his death averaged from \$75 to \$80 per month. He married the defendant in April, 1911. His will is dated on the day of his death, and probate of it was granted to the defendant on September 21st, 1912.

The house on the lands in question, and which William J. Deevy, and the defendant occupied from about the time of their marriage until his death, was in course of erection for about two years prior to the marriage. There is considerable conflict of testimony as to who it was who bore the cost of the erection of the house.

On September 21st, 1909, the day of the date of the deed, which is now attacked, William J. Deevy made a mortgage of the property to the Huron & Erie Loan and Savings Company, for \$800, and both plaintiffs admit that about the time the first payment became due on that mortgage,—now more than two years ago,—they were aware that the mortgage had been made by their son, and some moneys were paid on that mortgage by the plaintiff, James Deevy, as he says at the request of his son.

Both plaintiffs say that the first they heard about the deed to the son was after his death; and this statement they both make in the face of their admission of knowledge of the mortgage having been made by the son.

We are confronted with the regrettable fact that these plaintiffs are seeking a remedy, which if they prove themselves entitled to it,—will brand their deceased son as a forger, and the father of the female plaintiff as a perjurer, if the evidence of his having made the affidavit of execution on the deed is accepted.

The evidence is far from satisfying me that their denial of the making of the deed is correct.

Notwithstanding the plaintiffs positive statement that they did not sign that document, I am not prepared to accept their testimony. The plaintiff, James Deevy, has undertaken to contradict a large number of witnesses on one point of evidence and another, wherever they disagree with him; a number of these witnesses being persons who have no