

deceased at this time was about 60 years of age and apparently in excellent health. Plaintiff was about 28 or 30.

D. B. Maclellan, K.C., and C. H. Cline, Cornwall, for plaintiff.

J. Leitch, K.C., and W. B. Lawson, Chesterville, for defendant.

STREET, J., held that the contract set up was one for an unreasonable period, and the consideration for the note was therefore an illegal one, and no recovery could be had upon it; *Lowe v. Peers*, 4 Burr. 2225; *Hartley v. Rice*, 10 East 22. The issue raised as to the capacity of the deceased at the time the note was made he found in favour of plaintiff.

Action dismissed. Plaintiff to pay general costs of action. Defendant to pay costs of issue found in plaintiff's favour. These costs to be set off pro tanto.

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