

had told her that she feared the paper was against her interest. As the plaintiff was present when this paper (her husband's will) was prepared and executed, and knew that it was in her favour, it is quite clear that she did not in fact entertain any apprehension that the paper would prejudicially affect her interests. For two nights in succession the plaintiff had watched over her dying husband, was present at his death (2 a.m.), and remained in the room till about 8 a.m., when the Mother Superior telephoned her to come to Dean Murray's room. This she did, the Mother Superior accompanying her. Thereupon the Dean observed that he had heard that she feared her brother, and said, "Mary, do your duty, don't damn your soul for money"—and advised her to engage Mr. Botsford. Dean Murray then withdrew, when the plaintiff expressed a desire to go home; but the Mother Superior urged her to remain and send for Mr. Botsford, as the Dean had suggested. The two then proceeded to the room of the Mother Superior, where the latter telephoned for Mr. Botsford. That gentleman did not come until about 10 o'clock. In the meantime the plaintiff was restless and anxious to go home, but, in deference to the wishes of the Mother Superior, she remained. When Mr. Botsford arrived, the Mother Superior engaged him in conversation and gave him his instructions. He received no instructions from the plaintiff, but proceeded to draw the irrevocable power of attorney, practically without consulting her. He was not acting as her solicitor and gave her no advice. She says that she remembered the words of Dean Murray, not to damn her soul for money, and that she was scared, and in these circumstances executed the power of attorney. The Mother Superior having temporarily withdrawn from the room, the plaintiff, according to Mr. Botsford's evidence, expressed the view that \$200 ought to satisfy the hospital. He answered: "Mrs. Finn, I do not know anything about what the hospital should be satisfied with, but I presume I am here to carry out the intentions as expressed to me by Superior—Paschal Finn's intentions;" and further stated that he gave her no advice, except that he told her the best thing she could do was to sign the power of attorney to enable her to give one-half of the money to the hospital, and she acted on his word or suggestion.

The plaintiff was not advised as to her rights. The Mother Superior, knowing what Dean Murray had said to the plaintiff, urged her to do what Dean Murray had suggested. The impeached transaction occurred in the hospital, after the plaintiff had been without sleep for two nights, watching her dying