

requests you to bring the document to his house for execution. You do so. You find that, though far from well, the testator's mind is perfectly clear, and that he understands the contents of the will, which you read over to him, and that they carry out his wishes. You yourself, since you take no interest of any kind under the will, will be able to act as one of the attesting witnesses to the will, but, as you omitted to bring with you your clerk to perform the office of second witness, you are obliged to ask the testator if there is any suitable person who will act as such witness. It chanced that there is no one on the premises excepting the domestics—the housemaid, the parlor maid, the cook, and the kitchen-maid. Of these four females you select the cook, as, from what the testator tells you, she is considerably older and generally more important than the others, and, at your request, the testator directs her attendance. The will is duly executed by the testator in your presence and that of the cook, and all three names are duly appended at the foot of the will. The testator dies shortly after the execution, and, to your astonishment, the heir-at-law of the testator, who, by the terms of the will, and, as you know, by the testator's intention, is left entirely out in the cold, disputes the validity of the will, and enters a caveat against the probate thereof. The executor is consequently obliged to take steps to have the will proved in solemn form, and, with that object in view, warns the caveat and the heir-at-law—the caveator—entering an appearance to the warning; a writ is issued against him by the executor, asking that the will be proved. Proceedings go along, and, by way of defence, the heir pleads the formal defence that the formalities of the Wills Act were not complied with when the will was executed, and that the testator did not know the contents of the will, and, with the object of finding out whether this was so or not, he will cross-examine the witnesses to the will at the trial of the action. The case comes on, and you, the solicitor whose name appears as the first witness, are put in the witness-box, and you depose clearly and satisfactorily that the will was signed in your presence and in that of the cook, and that both you and the cook signed in the presence of the testator, and that all things were done as sect. 9 of the Wills Act requires. So far so good. Next the cook is put in the witness-box, and her testimony is found to be totally at variance with yours. She admits on cross-examination that, although it is quite true that the testator signed in her presence, yet she did not sign in his presence, since he left the room immediately after signing in order to take some physic, or for some other reason, and that both you and she signed in his absence, and that when both had signed, *the testator being absent*, you, the solicitor, put the will in your bag, and, for aught she knows, the testator never again saw the will. On re-examination counsel fails to shake her testimony. She gives her evidence in the most straightforward way possible. She has no interest in doing other than speaking the truth as far as on the face of the circumstances appears; and, to your consternation and dismay, the court pronounces against the will and decrees for an intestacy. The court's judgment in setting aside the will cannot fail to do your professional reputation harm. At the least it amounts to an accusation against you of carelessness in seeing to the proper execution of a most important document. In the opinion of those who