

ceased—paid close attention to him during his short illness. The doctor visited the deceased on the 23rd December, and says that the deceased was on that day mentally all right. He saw the deceased again on the following day, after 9.30 a.m. and before 11.30 a.m. The deceased at that interview knew the doctor, spoke, said he was better, but immediately his mind began to wander. The doctor is of opinion that the deceased was not, at the time of the last interview, capable of making a valid disposition of his property. Death occurred shortly after 11.30 on the 24th December, 1911. The doctor stated that, in his opinion, the deceased may have been competent at 7 a.m. on the day of his death.

The circumstances attending the making of the will are, that, when the sickness of the testator seemed likely, and very soon, to terminate fatally, one of the Sisters in charge telephoned to the defendant Rigney. Mr. Rigney cannot be said to have been the general solicitor of the Corporation L'Hotel Dieu, nor did it appear that Mr. Rigney was asked for, or that any lawyer was asked for by the deceased. Rigney went at once. He did not know the relatives of the deceased, or the names of his friends, or the value of his estate.

Rigney's testimony was clear that the deceased intelligently gave instructions for the will; these instructions were taken down in writing by Rigney, before he drew the will itself; then the will was drawn. The will was carefully read over to the deceased, who seemed fully to understand it. The deceased named his sister-in-law, and gave reasons for leaving her only the interest on money to be invested. The deceased named Frank Blake, and at first named a smaller amount in giving instructions, but changed it to the sum of \$500. So far as appears, nothing was said by the deceased as to the value of his estate or of what it consisted. It was in fact a large estate for a man of the mode of life and habits of the deceased. The deceased was not interested in charitable work, and beyond a small donation on at least one occasion it was not shewn that he had given money to charities. None of the relations of the deceased could reasonably expect gifts by will or otherwise from him. The comparative large wealth of the deceased was simply the result of accumulations held to by him until obliged by death to let go—and, when about to give it up, there was apparently some indifference as to who should get or who should manage his estate.

The evidence of Rigney was fully corroborated by the affidavits of the subscribing witnesses to the will, and also by the