

testator had no right to will a share of the property to his nieces.

The evidence in the case is of extraordinary length. It appears that Col. Boucher was a man of considerable fortune. His wife becoming ill, one of the defendants Madame Cloutier (Agathe Dambourgès) was sent for. This was about March, 1857. Mad. Cloutier came and found Madame Boucher very ill. Col. Boucher invited her to remain with them, and she continued to live with them till Mad. Boucher's death seven months afterwards. Col. Boucher was very much distressed by his wife's death. They were an aged couple, (Col. Boucher being at this time about eighty,) and were living alone. At the request of Col. Boucher, Mad. Cloutier continued to remain there for a period of four years, during which time she and the other defendant, Mad. Brunelle, (Emélie Dambourgès) another niece who arrived subsequently, about twenty months before his death, faithfully nursed and attended to their uncle. About April or May, 1860, Col. Boucher was struck by paralysis, and fell into a very feeble state, and finally died on the 29th of August, 1861. The two ladies left the house before the funeral; the heirs assembled, and in looking over the papers found the codicil in question, under which the nieces were to have a child's portion of the estate. The children then brought the present action.

The declaration is drawn with very great care (said to have been prepared by one of the most eminent men in the country), and the pleadings are clearly and carefully framed. It becomes the duty of the court to decide, in the first place, whether the codicil is a forgery or not. Mad. Boucher, on the 14th of May, 1857, made her will before Guillet and colleague, notaries, by which, after leaving several legacies, she gave all the residue of her property to her husband. In that will it was declared that he was to have entire disposition of her property, the deceased, however, expressing a wish that he should will part of it in a particular way. Mad. Cloutier, who came there about the time this will was made, was not mentioned in it. Mad. Boucher died on the 15th September, 1857, without having altered her will. Mr. Boucher made

his will on the 25th of January, 1858, before notaries, by which he disposed of this property in different ways, but neither of the nieces was mentioned in the will, though they had been there some time. On the 2d of March, 1860, Col. Boucher made a codicil before notaries, in which he gave Mad. Cloutier £30 a year for her good services to his wife and himself. He seems to have had a strange fancy for making codicils, for, on the 24th of October, he made another notarial codicil, by which some changes were made in the original will, but no change was made in the first codicil. On the 12th of January, 1861, he made an olograph codicil, written with all the requirements of the law, and signed by himself at Maskinongé. By this codicil the nieces were to have *une part d'enfants "dans tout ce qui me reste à diviser après ma mort, excepté la seigneurie, en considération des bons soins qu'elles m'ont prodigués pendant ma maladie."* It is for the Court to determine first, whether this codicil is a forgery or not. In the first place there is a strong improbability that it is forged, and the evidence also disproves the charge. These ladies were the relatives of the deceased, and the evidence shows them to be of the very highest respectability, with the good education and moral training customary in families of their standing. They are moreover advanced in life. It is almost impossible to suppose that they committed the forgery themselves. Did they employ any one to do it? The only persons with sufficient intelligence to do it were Mr. Blois, and Mr. Bourdages. Now Mr. Blois was an intimate friend of the deceased, but it is indisputable that his character is very high, and the court must exclude the idea that he perpetrated a forgery. Mr. Bourdages was a student of law, and seems to have been on very friendly terms with Col. Boucher, who was in the habit of conferring pecuniary favors upon him; but he had no interest in the forgery, rather the contrary. It appears that Mr. Bourdages furnished the formula for the codicil, taken from Guyot, the deceased having requested him to obtain a form, but there is nothing to show that Mr. Bourdages had anything further to do with the codicil. I must therefore come to the conclusion that no one