

Fletcher was a married man living separate from his wife. His children were all grown up and living away from him. In August, 1906, he advertised for a housekeeper. The plaintiff applied and was employed. She was then a widow, about fifty-five years of age. Fletcher was some eight or nine years older. Matters progressed rapidly, for in October, while the plaintiff was away, Fletcher wrote her a letter of October 24th, 1906, addressing her as "dear Helen," "dear Nellie" and as "darling." These affectionate relations were broken in upon before a year had gone by, and the plaintiff left some time in the summer of 1907. Her intention then was to leave for good and all.

It is not clear whether the farm had been promised before this disruption, but Mr. Haines Elmer, a nephew of the lady, was employed by Mr. Fletcher as an emissary to conduct peace negotiations, and he was authorised to hold out the prospect of the ownership of the farm as an inducement. The lady yielded; she returned, and matters appear to have gone very smoothly for some time, for in June, 1910, the plaintiff and Fletcher went to Detroit to consult Mr. Proctor K. Owens, an attorney of repute, with reference to the obtaining of a divorce from the separated wife and with reference to the drawing of a will. Although a bill of divorce was drawn, it does not appear to have been prosecuted; and upon learning that a will would cost about twenty-five dollars Mr. Fletcher declined to go to the expense incident to its preparation. Although not expressly stated, it is clear that the whole substratum of these negotiations was a contemplated divorce from the first wife and marriage with the plaintiff. The letters filed, bearing date in May, 1910, indicate the relation between the parties just prior to the visit to Detroit.

Another letter is put in which is undated, in which Fletcher speaks of himself as the plaintiff's husband, and addresses her as his wife, although in view of the then present separation he frankly states his intention of getting yet another wife. From the reference to the plaintiff's age in the letter, probably this letter was written before the visit to Detroit in 1910.

The testator made his last will in January, 1909. It contains no reference to the plaintiff. Four of his sons (or their issue) take the estate, save some small legacies. What-