

## LEFT WEALTH TO CHURCH THEN REVOKED HER WILL

St. Andrew's Church, Quebec, Charges  
Undue Influence, But Court De-  
cides Otherwise.

The Quebec Chronicle of a recent date contains a full report of the judgment of the Provincial Court of Appeal in a case which has attracted a good deal of attention on the part of all the churches, but especially the Protestant body, in the Province of Quebec. It is known as the Willock will case, and arose out of a series of wills and testaments made at different times by a Miss Willock, an elderly lady of considerable means and eccentric disposition, who was a member of St. Andrew's Presbyterian Church in the City of Quebec, of which the Rev. Mr. Love is the minister. Miss Willock died on Nov. 19, 1902, having made her last will on Oct. 16 previous in favor of Mr. Hookes, a member of the Episcopal Church, and Mr. Brodie, a member of Chalmers Presbyterian Church, in the City of Quebec, of which Mr. Tait was then the minister. The testatrix had made three wills prior to this last one, which was the subject of contest in the action. The first of these was made in 1887, leaving her estate to St. Andrew's Church, and naming Rev. Mr. Love, Mr. Cook (advocate) and Mr. Brodie executors. Mr. Love was also named as a legatee. In 1893 Miss Willock revoked this will and made another will, giving her whole estate to Rev. Mr. Love for charitable purposes, and naming him as sole executor. In June, 1902, while detained in hospital through illness, she made a third will, leaving her estate to St. Andrew's Church, and naming Rev. Mr. Love and Mr. Brodie her executors. This will was subsequently revoked by the last will above mentioned in favor of Messrs. Hookes and Brodie. Soon after Miss Willock's death an action was commenced in the superior court of Quebec by Rev. Mr. Love and the trustees of St. Andrew's Church against Messrs. Hookes and Brodie, to set aside the will in defendants' favor, on the ground of want of testamentary capacity on the part of the testatrix and undue influence on the part of the defendants. The action was tried before Mr. Justice Andrews, who, after taking a great mass of evidence on both sides, found in favor of the defendants, and dismissed the action, with costs. The plaintiffs then appealed to the court of appeal, where they were unanimously dismissed, the appeal with costs. The judgment of the court was delivered by Sir Alexander Lacoste, chief justice, who dealt with the case very fully, and upholds the judgment of Mr. Justice Andrews on every point. The following extracts from the judgment on the two principal questions involved are interesting:

### Not Proof of Insanity.

The expert physicians state that the facts proven, taken separately and by themselves, are not proof of insanity, that they may be looked upon as eccentricities, manias, but that it is these facts taken together that must be considered, and also in taking into account the personality of the individual, such as her peculiar qualities, her attitudes, her originalities, her inclinations, her eccentricities, and more than all her past life. Certain facts might prove insanity in one person, whilst in another individual they would only be the continuation of eccentric and original ideas.

That is the reason why the judge arrived at the conclusion that the woman was of sound mind. He was in a better position than we are to judge, as he had the witnesses before him. In this case, more than in many others, the presence of the witness was useful to find out the truth, as from the reading of the evidence it would appear as if some of the witnesses showed bitterness and animosity. I do not accuse anybody of perjury or bad faith, but it is well known what interest and animosity may do to falsify ideas. No doubt conscience is sheltered, but the truth suffers thereby. The demeanor of a witness in the box at times enlightens the judge better than what the witness is saying, and we should be very much convinced of a bad interpretation of the evidence to set aside the judge's appreciation. Moreover, as he remarks, the conclusion he arrives at is confirmed by Dr. Parke, who was Miss Willock's medical adviser. The attention of that witness was drawn to the eccentric beliefs of his patient. He appeared somewhat surprised, but persisted in saying under oath that he did not believe her to be insane. The judge also laid stress, and rightly so, on the evidence given by the notaries who drew up the will which is now attacked. The evidence of the notaries is not in any case conclusive, but it is at all events important, as showing the soundness of mind required to make a will is to understand the act the one is making, and to be willing to make it. "She well understood it," they say, "and she also manifested her wish."

As far as the appellants were concerned, it was necessary to establish insanity. According to our law, different to the English law, the evidence was entirely inhumane upon them. Inappreciable, say the notaries, cannot be easily inferred; the proof must be complete. In case of doubt we must maintain the act. Moreover, was not Miss Willock always treated as a person of sound mind? She had numerous callers who spent hours with her, and there must have been some attraction about her company which I cannot expect would be found in a person of unsound mind. It appears to me that the appellants, at least the Rev. Mr. Love, considered her fit to make a will on the 24th of June, and her mental state did not change in any appreciable manner since then.

I therefore arrived at the conclusion that the appellants have not proven that Miss Willock was incapable to make a will on the 16th of October 1902.

### Undue Influence.

The question of undue influence and intimidation is not without difficulty. The respondents and their accomplices, to mark the appellants, "poisoned Miss Willock's mind against Rev. Mr. Love and the authorities of St. Andrew's Church; they conspired to take the testatrix away from Groulx's Hospital and place her at Hookes where they kept her isolated from her former friends and excluded from her will in their favor. There is no proof of any understanding between any of the respondents or with friends or accomplices and the sayings and actions of third parties cannot be invoked as having been inspired by the respondents.

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It was a few days before the will of June 24, that Mr. Brodie spoke to Miss Willock about Rev. Mr. Love and he did so under the following circumstances: Miss Willock was then very sick at the hospital and her death was soon expected. Mrs. Kippen, an old acquaintance of Miss Willock, who had known her for 38 years, called upon her and the patient complained that Love had kept her money. Mrs. Kippen asked her if she had no friend in whom she could confide and who would see that justice was rendered her, and she suggested Brodie. Miss Willock accepted the suggestion and requested her friend to bring him without fail on the following morning at 9 o'clock. Upon returning home, Mrs. Kippen had a telephone message sent by her husband to Brodie. The following morning Mr. Brodie did not put in an appearance, and at Miss Willock's request, Miss Wilson, matron of the hospital, telephoned to him. Brodie then told her of his conversation with Miss Willock. It must be accepted in full or set aside in full. Besides he gives it in substance as he repeated it to Mr. Love and his wife. Miss Willock, it would appear, requested him to examine her bank book which she sent for at her residence. This book showed that the previous month of April she had withdrawn \$1700, and she admitted having handed that amount over to Mr. Love, who had asked for it to place it on Montreal Street Railway stock, and that she had nothing to show that the money was invested. Brodie criticized this transaction. Miss Willock had told him that formerly she had offered Dr. Cook to invest her money with him, and that he had refused. "You have not to deal with the money," he said, "but with the person." It is principally these words which the appellants consider insidious and of a nature to destroy any confidence that Miss Willock had in her pastor. Brodie might have avoided using such an expression, may be it was inspired by animosity, but it would be difficult for us to affirm that he was to make an impression on her mind so as to have a will made in his own favor. Having, as a business man, been called in to look after that woman's interests, he appreciated Mr. Love's conduct, according to what she had told him.

In a business point of view, since he was called in to settle business, he was justified in criticizing the transaction. This was an investment which, Miss Willock said, Mr. Love was to make for her, and naturally Love should have informed her as to how the money was invested and handed over the titles, and the fact that he did not do that might have appeared irregular and strange to Brodie. Love gives another color to the transaction, and says that he handed Miss Willock an acknowledgment for the money received by him to provide for the wants of Miss Willock during her lifetime, and at her death, hand over the money to the trustees of St. Andrew's Church. Miss Willock, bank clerk, corroborates Miss Willock's version, and says that the money was withdrawn for investment in the Montreal Street Railway. In any case, Brodie saw that Love's conduct afforded him an occasion to explain himself with Miss Willock.

### Brodie Caused Change.

The appellants say that Brodie was the cause of the change in the will of 1902. I am inclined to think so. Miss Willock had sent for him to look after her business and she appeared to be approaching death. Brodie knew that he had been named testamentary executor with Love in 1887. He secured the will of 1887, did not see that it was necessary to act then. However, he secured a copy from the superior court office where the minutes of Notary Austin, who drew up the will, were deposited. The clerk handed him a copy of the will of 1887, which had also been drawn up by the notary. He showed it to the testatrix, remarking at the same time that he was not a testamentary executor any longer, that he had nothing to do with her estate. She thereupon told him to see Love, that she wanted to change her will. And it was in Love's presence that she changed it on June 24, naming St. Andrew's Church as universal legatee. Whatever Brodie's intentions were, the appellants certainly cannot reproach him with his conduct, which had for effect to have them named as heirs to Miss Willock. "Brodie," remark the appellants, "this will of June 24 was not what Brodie expected. He acknowledged himself that he was not satisfied and either before or after declared to Miss Willock that it was not just that all the property should be bequeathed to St. Andrew's." Brodie, in fact, said that he was not satisfied with the will because a third executor had not been named, which was natural enough, and on account of the difficulties which existed between himself and Rev. Mr. Love. He might have been desirous that Miss Willock should not give her property to St. Andrew's Church. But one thing is certain and that is that he confided her affairs to Brodie in June and that she allowed him to administer her affairs up to her death, thereby consoling her confidence in him. The high influence by accusations against Love, his church and his family is not satisfactory to us.

But the appellants tell us "the corroboration of this evidence is in the kidnapping of Miss Willock from the hospital and her detention at Hookes." Upon that point the evidence is not convincing. It is certain that Miss Willock wanted to leave the hospital; that during a time she expected to go to Love's, but that the latter would not receive her any more at his place and that he tried to place her in the Women's Christian Association; that she thereupon applied to several of her acquaintances to take her into their homes, and others to Mrs. Hookes. The latter consented, Miss Willock declared to Miss Darlington that she was going to live with the Hookes, and that she would be pleased, as she would be near her own home.

Miss Willock was not sequestered at the Hookes. Mr. Love, his wife and the church authorities were quite excited when they heard that she was there. There was even some talk of getting her to leave. There were contradictions, provocations, angry and aggressive words exchanged, which resulted in a display of coarseness and a want of consideration on both sides. But the evidence shows beyond all doubt that Miss Willock received everybody she pleased, and that the Loves saw her alone and could freely communicate their opinions to her.

On the whole it was the appellants' duty to prove their case. It was not sufficient for them to bring forth suspicions, but it was necessary for them to create a sufficient moral conviction with which to authorize us to declare that the judgment of the superior court was erroneous. They have not done so. The appeal is dismissed.

### Very Simple.

From The Chicago Journal.

A sentimental poet writes: "How can I meet my darling?"

After some deliberation over the question, we have come to the conclusion that he can meet her by approaching her from an opposite direction.

## THE MUMMY AND THE HUMMING BIRD

Popular Modern Comedy to Be  
Presented at the Grand Opera  
House This Week

"The Mummy and the Humming Bird," which has proved one of the most popular modern comedies upon the stage, having scored an emphatic success in London and New York, as well as throughout the English provinces and the United States, will be presented by an exceptionally clever company at the Grand Opera House to-morrow evening for an engagement of one week. The play tells a story that is human and life-like. It is the case of the husband, so thoroughly involved in his work that he neglects his wife completely. There is no intentional neglect, no dearth of love in the treatment Lord Lumley accords his wife. He is simply preoccupied with his scientific researches, and permits them to exclude everything else from his life. His wife soon forms the opinion that he does for her. At first she is chagrined, then perplexed, and then she becomes worried and tries to win him away from his investigations. In this she fails, and the conviction is forced upon her that her husband has ceased to love her. Just then the "Humming Bird" enters her life. His advances are artful and deceive her into thinking that they are only the signs of friendship. She is quickly lured into a compromising position, from which by his ready wit and cleverness her husband rescues her and saves her reputation and her own name. Their reconciliation is as beautiful as it is pathetic. The company is announced as a remarkably strong one and is headed by W. A. Whitecar, who as Lord Lumley, known in the play as "The Mummy," has received praise from the critics that seems to warrant his ranking close beside his illustrious predecessors in the role, Sir Charles Wyndham in London and John Drew in New York.

"I go to the theatre to be amused," said one inveterate first-nighter when

"The Mummy and the Humming Bird" had its premiere presentation at the Empire Theatre in New York City. "I like to laugh," "And I go to the theatre to be instructed. The play that will teach me something is the one I like best to see," remarked his friend. "While I come here to weep," was the characteristic remark of one of the ladies in the party. "Well, we all should be well satisfied then with this play that we are witnessing to-night, for it certainly has the power to amuse, to teach and to cause one to weep. It is just simply great." The verdict was then pronounced upon "The Mummy and the Humming Bird" by that first-nighter in New York has been confirmed by thousands and thousands of theatre-goers all over the civilized world; for this greatest of all modern comedies has undoubtedly caused more people to laugh, to weep and to applaud than any other play that has been seen in years.

### "A PAIR OF PINKS."

Ward and Vokes To Make Their Last Appearance as Co-Stars.

Theatre-goers this year are asked to accept Ward & Vokes as two Pinkerton detectives in the second edition of their vehicle, "A Pair of Pinks." The requirement sounds funny, and as that is the sole purpose of the labor of Ward & Vokes—the making of fun—it is a good beginning. "A Pair of Pinks" will be seen at the Grand Opera House next week. These popular comedians have firmly established themselves with a very large class of theatre-goers, and a new edition by the large company they always carry means an event for the public who enjoy a laughing treat. That it will be found a musical entertainment goes without saying, and it is promised that the music is all new, catchy and the kind to set the lips a-pucker at once. One act is devoted to a prison scene, the private jail of "Percy and Harold," and here will be found rules and regulations for the conduct of the prisoners that would prove a source of delight to the most hardened criminal. We have experienced the delight of these two worthies running a banking institution, an hotel, a department store and a state capitol—now we shall see how they think a real up-to-date prison should be conducted. E. D. Stair has been really extravagant in the

manner of producing "A Pair of Pinks," and in its scenic environment, its costume accessories, its numerical strength and individual capabilities the new vehicle will be found far and above any offering ever made by this well-liked organization. This will be the last time Toronto theatre-goers will see these two popular comedians together, as they dissolve partnership at the end of the present season.

### The Tabloid Man.

London Express.

Smaun Sing Hpo, the smallest athlete in the world, who made his first appearance before the London public at the Lyceum last night, called at The Express office yesterday.

With the utmost self-possession and the air of a distinguished foreign visitor, Sing Hpo gave some particulars of his life. He is twenty-two years of age, his height is 34in., his chest measurement 22½in., his hip measurement also 22½in., and his fighting weight 20lb.

Sing Hpo, unlike the ordinary dwarf, is exceedingly well developed and symmetrically built. He wears an immaculate frock coat some fifteen inches in length, a pair of daintily cut trousers, a fancy vest, perfectly correct collar and tie, and a shiny silk hat of 1905 shape, just large enough to fit over the list of an ordinary man.

His companion and manager, Captain Weltzien, then invited him to show his acrobatic skill, whereupon the little man took hold of the captain's hands in a firm grasp, raised his body gracefully in the air, and performed what is known in gymnastic circles as a "long arm balance" in the most approved style. Then, using the captain's hands as a pair of "rings," Sing Hpo, turning a somersault, stretched out his tiny body rigidly in the manner adopted by every gymnast when showing his paces.

Sing Hpo's accomplishments are not, however, confined to acrobatic tricks. He is a good linguist, for he speaks English well, German fluently, and French slightly, not to mention his native Burmese.

Perhaps the most amazing thing about Sing Hpo is the fact that his appetite is not at all in proportion to his size. He is accustomed to sit down with ordinary mortals and eat just as much as any one at the table.

For breakfast he likes three or four eggs, and as a pick-me-up he is accustomed to swallow a couple of dozen oysters at a sitting. He eats a large quantity of meat, but is not fond of potatoes or other vegetables.

Among his treasured possessions is a gold bracelet, slightly larger than a wedding ring, which he wears round his little brown wrist. It was given to him by Miss Lole Fuller, whom he met during one of his tours.



### THE MATCH-MAKER MALGRE ELLE

Mlle. La France (aside). "If she's going to glare at us like that it almost looks as if we might have to be regularly engaged."

## Ram

AUTO CLUB OF TORONTO  
ADD SOME OF ITS

Something of the Merit  
Making the Game Pop  
the Queen City

A new year dawned for the Automobile Club of Toronto on Tuesday evening, the annual meeting was held at the following officers elected: W. A. Kemp; vice-president, J. M. Gurney and Dr. P. E. Doolittle. It is rather early yet to new bunch of celebrities, and as a suggestion sketch, it may be noted that No. 2, W. A. Kemp, looks like a worthy successor to the illustrious Dr. Doolittle.

The change from a professional commercial head is more a real, since the past president, Mr. Kemp stood high in the estimation of his fellow-members, and was appointed vice-chairman, however, that was partly street-railway, diplomacy, afford him a little wise counsel, delicate business of the automobile club. For a man in running an automobile in the city is undoubtedly the man to succeed to the traditions of that office. A hard type of man, has no forked in merely on account of looks or social standing, a out the shadow of a doubt, the new secretary is a fund of good humor, a courtesy, such as does not fall to the lot of most names of the rest are more familiar and their own interesting grist for our in the near future. For The World wishes the Automobile Club a very happy new year and auspices.

A question of more interest which came up at the meeting and to which we abstain to refer again, more of the inter-provincial touring license. The general favor of simplifying the same as a certain class would simplify language, a sort of automobile license. Nothing conclusive was decided to invite to inland revenue for instructions it will be in more practical steps to an agreement to grant a license to grant a passport to the Dominion and a car in the United States with a license fee and of getting out a license border is crossed.

This matter deserves If there is one thing stands for distinctly, it is vicinalism. There should be getting an international license. The inter-state license is a more complicated matter.

### WEEKLY MOTORING

Our subject of person week is Inspector Hughes have chosen after some not as a confirmed motorist having symptoms.

Motoring is just about thing that Inspector Hughes chummed with. Even with that all his presentism he knows a good deal the art of motoring that for an absolute pedestrian's fondness for sports and pastimes has so marked a feature of that he can scarcely friendly with the man automobile. In his young L. was noted as a 1. Therefore he knows the of a home run. So far of him goes, the inspector enjoys an automobile run-on an automobile guest of the club on the year. When other motor cases in canvas slid the first real cold douch and pneumonia from L. Hughes went on and course. Gritty as he being an Irishman, he gritty by grace when lunch at the Half-Way was a dusty drive. I some peculiarly graceful on that occasion; he had they been heard would have made him chase. During the H the inspector was noticed with the genial president Dr. Doolittle. Both wore silk hats on that under the circumstances pardonable.

From a standpoint of