

had a strong feeling of resentment against her husband—believing that he had married her for her property, and being in possession of letters affecting his manner of life, which would explain her determined course. . . . There was no hallucination in her mind—there was a substantial foundation for her attitude—and we have only the husband's side of the case in the oral evidence, but we have the wife's written declaration shewing a very different picture of the domestic relations.

However, we do not stop at this point. The wife did not die till June, 1913. The will of 1910 was left with Mr. Loftus, accompanied by the wife's declaration written out by a friend, Mr. Watkins, at her dictation, in which she sets forth her reasons for disposing of her estate otherwise than to her husband. The reasons she gives are lucidly expressed and to her appeared sufficient to justify her position; and, whatever opinions may be entertained as to her manifestation of feeling, it cannot be said that her conduct was without sense or without reason.

Over two years afterwards she fell sick of the ailment of which she died, and, when at the hospital, sent for Mr. Lewis and asked about the will. He obtained it from Mr. Loftus and brought it to the hospital. I quote again from the judgment below: "He handed it to her, and she read it over, and then asked if her husband would get anything out of that, and asked if, by reason of his having put labour and material that belonged to her into the building, he was entitled to anything, and subsequently said: 'Now, I want you also to be put in with Mr. Loftus.'" Mr. Lewis refused to change the will.

This again appears to be sufficient evidence to sustain the will. After an interval of two years and over, she calls for her will, reads it over, asks intelligent questions about it, and recognises that Mr. Loftus is sole beneficiary. The act is that of an intelligent person, considering the frame of the will made two years before, and affirming it to be the proper expression of her will as to the disposal of her property after her death.

The learned Judge applied the equitable and proper doctrine that all dealings between solicitor and client are to be viewed with suspicion and are void if obtained by undue influence, and he concludes, without finding that there has been such influence, that the solicitor is not to benefit at the expense of those to whom she ought in all justice to give her property, and that she should justly have given it to her husband. There is the error. It is not a question of what is just to be done as between husband and wife. It is a question of what the wife thought