

her parents was suggested to her largely by reading the prior will.

The evidence of Barnes and Mrs. Liddy is consistent with the terms of the will, and does not go further than to shew the intention of the testatrix at that time to make her daughter her devisee subject to the benefits given to the husband.

Mrs. Liddy's evidence throughout was weakened by an evident bias in favour of Esther Dunkley, and must be accepted with some hesitation.

Though Esther Dunkley claims that there was the understanding at the time of the purchase of the property that she would be entitled to it after the death of her parents, and that she knew of the understanding at that time, her subsequent conduct in no way indicated that she believed or relied upon such understanding. When the property was sold about three years ago, she was present, and saw and heard her mother make a statutory declaration, the terms of which might well indicate a denial of any trust in favour of the daughter, and it does not appear that either then or at any other time in her mother's lifetime she asserted any right to the property, or made the question of the alleged trust a subject of conversation either with her mother or with any other person. Moreover, when there was talk of a new will being made, in November, 1911, the daughter shewed considerable concern, and she says she warned Dagneau against drawing a new will.

Considering that all that the mother owned or professed to own at that time, outside of the furniture, which was of little value, was the money in question, which the daughter now claims was held in trust for her, one cannot well understand this concern or her anxiety that a new will should not be made, if she really believed the property was held in trust for her.

Dagneau's evidence is that a short time before the will was made, in November, 1911, he met Esther Dunkley, on the street, and she informed him that either she or her mother could draw the money which was then in the bank, and she asked him if he thought it would be safe to leave it there or should she draw it out; and in answer to his inquiry as to who owned the money, she replied: "Of course, it is mother's." She does not deny this, but says she does not remember making the statement. Dagneau also says