doctor who attended the testator swore at the trial that he was, though very weak and low, mentally capable of attending to business, and of understanding what was said to him. It was proved, also, that a short time before his seizure he had had drafted a will in favour of A., his nephew, but did not execute it. He died a week after executing the will attacked in the action.

Held, affirming the judgment of the Supreme Court of British Columbia (3 B.C. Rep. 513) that it was not sufficient for A. to prove merely circumstances attending the execution of the will consistent with the hypothesis that it might have been obtained by undue influence; they must be inconsistent with a contrary hypothesis, and what was proved in this case did not fulfil this condition.

GWYNNE, J., dissenting, held that the facts proved were sufficient to justify the court in setting aside the will.

Appeal dismissed with costs.

Moss, Q.C., for the appellant.

S. H. Blake, Q.C., for the respondent.

COURT OF APPEAL.

LONDON, 29 January, 1897.

Before LORD ESHER, M.R., LOPES, L.J., RIGBY, L.J.

JONES v. GERMAN (32 L. J.)

Justice of the Peace—Jurisdiction—Search-warrant—Information containing no allegation of felony.

Appeal of plaintiff from judgment of Lord RUSSELL, L.C.J., for defendant on further consideration (65 Law J. Rep. M. C. 212).

Action for illegal arrest, false imprisonment, and trespass to goods ensuing upon a search-warrant granted by the defendant as a justice of the peace.

The allegation of the plaintiff was that the warrant was granted illegally and without jurisdiction, because the information, the words of which are set out in the report of the case below in 65 Law J. Rep. M.C. 212, did not charge the commission of any criminal offence and did not specify the goods for which the search was desired.