

REMARKABLE TRIALS.

I. The "Gammill Will Case."

A will case of more than common interest, known by the above name, came up in Nova Scotia, during 1880-81, and although, at the time of publication, the case is still *sub judice*, a narrative of the circumstances, rendered by one on the spot, may be of value for reference. The case occurred at Sydney, Cape Breton, N.S.

A will of the late Mr. William Gammill was proven in the usual manner, and under it his widow, the sole devisee and executrix, entered into possession of his estate, which consisted of personal and real estate as returned to the Probate Court of some \$66,673. This will, made 26th April, 1877, is recognized as having been executed by deceased, who died 4th May, 1879. Mrs. Gammill went to Scotland, her native country, shortly after her husband's death, and remained away nearly a twelvemonth. A little over a year after Mr. Gammill's death, Thomas McLellan produced a will, dated 21st April, 1879, purporting to have been made on that day in the presence of himself, Donald Johnston and Alexander Gordon, all of whom swore to the statement in August, 1880, and under it bequests to the amount of \$66,000 were made to different persons. This posterior will was proved before Lewis E. Tremain, Esq., Judge of Probate, and many witnesses were examined in support of and against its authenticity. Mr. N. L. Mackay, Q.C., was the leading counsel for Mrs. Gammill, and conducted the investigation in her interest, and Mr. O. S. Weeks, at one time Attorney General of Nova Scotia, and Mr. S. G. (now Justice) Rigby, acted for those claiming under the new will. The investigation extended over two months, and resulted in the Judge of Probate (a layman) deciding that as three persons swore that Mr. Gammill executed the will that it should be on that ground admitted to Probate, from which decision an appeal was taken to the Supreme Court of Nova Scotia. Mr. Gammill, the deceased, was a Scotchman by

birth, who carried on for many years a general mercantile business at Little Bras D'Or, N.S., most of which time on his own account. He retired from business about 20 years ago, having amassed considerable wealth. He represented Victoria in the N.S. Assembly in the Liberal interest, was a Lt. Colonel in the Militia, a J.P., an elder in the Presbyterian Church (to the support of which he contributed liberally), and was a man highly respected and esteemed by all classes of society. Rev. M. Wilson, his friend and pastor, sums up his character in these words: "He was a man of honour and integrity, and a Christian gentleman." Mr. Gammill was a widower; in 1875 he went to Scotland, and there met a Miss Imrie, a lady well advanced in years, and the daughter of a well-to-do farmer living at Mary Hill, near Glasgow, one of whose sons is the Rev. Mr. Imrie of St. Andrew's church, Dunfermline, another Mr. Peter Imrie, who recently came to Canada as the Lanarkshire Farmers' delegate. The result of the acquaintanceship was that Miss Mary Imrie, 43, came out to Canada, where she was married to Mr. Gammill at his house on 1st January, 1877. Mr. Gammill was then 74 years of age, but in vigorous health, and it is said by those who knew him well that he had all the appearance of a man much younger in years. Miss Imrie, it appears, brought out as her "tocher" some £600, which she handed over to Mr. Gammill, and the money was invested by him with his own monies. Mrs. Gammill said in her evidence: "I married Mr. Gammill for love, and he was a good man," and they lived together till his death, in July, 1879, on apparently the most affectionate terms. Hon. T. D. Archibald, Senator, the Rev. Matthew Wilson, and others, warm personal friends of Mr. Gammill's, showed this conclusively. As already stated, his first will gave Mrs. Gammill everything; the second will made her *Residuary Legatee*, bequests of \$66,000 being a first charge on his estate of some \$70,000 only. Thomas Mc-

Lellan, Al Johnston swore to the will in the same three second will Lellan; the Gammill. character was that after 1 one or two p- turing a for also inherent viz. :-the of some of incorrectly knew them St. Andrew's Archibald named by him of the able under which month after Lellan's pos the will to ti several, one ing bonds fr dollars before etc. Besides cruelty of variance with leaving his estate which bequests, an deception on up to the h left her every ing that by l niless among Rev. Mr. Wi others, testi that he could him over a wedded life c was shown to and affectior circumstance upon the au Since the ap the three wi perjury and remains to b place only in

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