

year from her son, the defendant, but he refused to pay a dollar.

I am unable on the evidence to find that defendant had anything to do with procuring the deed, or that the deed was obtained by fraud, or such pressure as the law requires before it can be called coercion, or that plaintiff did not understand the effect of the deed, or that the deed was improvident. Therefore, I think plaintiff must fail.

The cases have all been gone into by the King's Bench Divisional Court in *Jarvis v. Jarvis*, in part reported in 9 O. W. R. 903, and it would serve no useful purpose to go through them again. That case has been carried to the Court of Appeal and stands for judgment, and I do not think that the appeal can turn upon any point material in the case now under consideration.

"Of the wisdom of the act it is not for me to judge. That every man"—and I add every woman—"compos mentis and not subject to improper exercise of influence, must judge of for himself:" per Van Koughnet, C., in *Corrigan v. Corrigan*, 15 Gr. 341.

The defendant in this case, as in many other cases, must be left to the court of public opinion. The conduct of a son who refuses to contribute a dollar to the support and comfort of his aged mother, when he has received and still enjoys the benefit of her self-abnegation, and that upon the excuse that he thinks she does not need it, is such as fortunately seldom comes before the Courts—and I regret that it is not in my power to do more than to refer to it.

There will be no costs.

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RIDDELL, J.

OCTOBER 19TH, 1907.

TRIAL.

WARREN v. MACDONNELL.

*Master and Servant — Injury to Servant and Consequent Death — Negligence — Railway — Person in Charge — Workmen's Compensation Act — Res Ipsa Loquitur.*

Action to recover damages for the death of a servant of defendant owing to the negligence of defendant, as alleged.

T. W. McGarry, Renfrew, for plaintiff.

J. E. Jones, for defendant.