

learned friend will know, if he wishes to call her, she is here, but she would only corroborate what has already been said, and I do not think there is any object in multiplying evidence."

All these witnesses agree that in answer to an inquiry by Sanderson as to whom the deed was to be made to, plaintiffs said that it was to be made to his wife. The language of the different witnesses, as might be expected, is not identical, but the substance is the same.

Plaintiff says that he did not give any person any instructions to put his wife's name in the deed, that he did not intend the property to go to his wife, "to rob me and my family," but in cross-examination he changes this; and, the occasion being brought to his mind, we find this:—

Q. Were you asked by Mr. Sanderson to whom the deed was to be made down there? A. I don't mind whether I was asked or not, but if I was, of course I expected my name was on the deed. Q. That is not what I am asking you. A. Well, follow me up. Q. Do you remember being asked whose name was to go in the deed? A. I tell you I don't remember whether I was asked about that or not. Q. Then you would not deny that you were asked? You may have been asked? A. Well, I don't think, to tell God's truth, that I was asked; I couldn't say, to tell the truth and swear it here. Q. You would not swear that you were not asked? A. No, I won't say nothing because I can't bring it in mind.

After the defence was closed, plaintiff was recalled, and the following took place:—

Q. You heard Mr. Sanderson swear that you told him to put the deed in your wife's name? A. I did, I heard him swear that. . . .

Q. (by counsel for plaintiff)—Did you ever give him any such instructions? A. Not to the best of my knowledge, I didn't.

As the trial Judge has found, he was then at variance with 3 of his sons, and the evidence convinces me that he desired and intended when buying this house to buy it for his wife, that it should be his wife's, and that his family should not have any interest in it—and that his wife should not be driven to her "thirds."