

ence to the will, and also on account of undue influence that the defendant exercised over the plaintiff, who, it is alleged, "is a man of weak intelligence and unable to manage his own affairs," and on the ground of improvidence and lack of independent advice.

The Chancellor finds that there has been no proof of any misrepresentation or untrue statements with reference to the will, or release; and the evidence, I think, fully supports this finding.

Plaintiff called three witnesses, viz., George Hunter, one of the executors, the plaintiff, and James Sherman, the assessor.

Hunter says there were three parcels of real estate, valued at \$3,746. The homestead was valued at \$1,500, and he does not remember the value placed on the other two. The probate papers were taken out by Mr. Smith to the satisfaction of both parties. After probate was granted it was agreed between the two that Mary Collins, the defendant, who had done her father's business, would look after the estate business and take all moneys. The executors handled no moneys of the estate. He does not remember the particulars of the deed of 28th February, 1888, and has no recollection of any division of the estate by the executors, and states that no complaint was ever made "about the way things had been done." "When we drew up the valuation and the moneys that was in the estate and how it had to be divided, they were perfectly satisfied there."

Plaintiff says defendant had the whole control of the business. He does not remember what amount he received altogether. He says he signed the release because his sister asked him to; that he had confidence in her; and that he signed the other deeds in the same way; that he has forgotten all about the different transactions. From first to last there is not one word in his evidence that would lead one to think there was misrepresentation or undue influence practised upon him.

James Sherman, assessor for 1888, is the only other witness called for plaintiff, and from the assessor's roll it appears that in that year the homestead was assessed at \$1,600, and the Draper property, on which was the blacksmith shop, at \$1,700, which was reduced by the Court of Revision of that year to \$1,375. The part on which is the blacksmith shop is placed at \$750.