

UNDUE INFLUENCE.

1. In suits to set aside instruments on the ground of undue influence it is not necessary that there should be proof of the exercise of influence; it rests upon the party obtaining the benefit to rebut the presumption that arises when such a transaction takes place between a parent and child, or others standing in a position where it is presumed influence may exist on the part of the grantee over the grantor.

Delong v. Mumford, 586.

2. *J. P.* died intestate in England entitled to real and personal estate situate there of considerable value, leaving *C. E.*, an only daughter, his heir-at-law, who came to Canada on her attaining twenty, and went to reside with her mother and stepfather, within one year thereafter, and on her attaining twenty-one she executed an instrument in favor of her stepfather, agreeing to give him one-fourth share or part of all her real and personal property, "in consideration of my late father dying without making a will, * * and leaving my mother unprovided for." *C. E.* married a few days afterwards, and survived about two years, when she died, leaving an only son, who shortly after attaining twenty-one instituted proceedings, in which his father joined, to set the instrument aside. The Court, in the absence of evidence, other than that of defendant, to rebut the presumption of undue influence decreed a cancellation of the instrument with costs. *Id.*

UNITED STATES CURRENCY.

See "Partnership," 1.

VALUE OF DOWER.

1. *Held*, on rehearing, [affirming the order of *PROUDFOOT*, V. C., as reported *ante* p. 276.] that a woman is entitled to dower in lands on which she and her deceased husband had joined in creating a mortgage to secure a debt of the husband; and that in ascertaining such dower the value of the whole estate is the basis of computation, not the amount of surplus after discharging the claim of the mortgagee. [*BLAKE*, V. C., dissenting, who was of opinion that the amount of the surplus, after paying the mortgagee the full amount of debt, interest and costs, was the proper sum to compute the value of the dower upon.]

Robertson v. Robertson, 486.

2. *Dawson v. The Bank of Whitehaven*, L. R. 6 Ch. D. 218, observed upon and distinguished. *Id.*

See also "Dower,"