2217; Bythewood's Conveyancing, 4th ed. (1889), vol. 7, p. 333; Barry's Conveyancing, ed. of 1872, p. 36; Wilson v. Wilson (1875-6), 22 Gr. 39, 24 Gr. 377; Martin v. Martin (1866-9), 12 Gr. 500, 507, 15 Gr. 586.

The learned Chancellor concluded:—

The last important decision is of the Privy Council in 1910, where the test applied was: Did the testator's illness so affect his mental faculties as to make them unequal to the task of disposing of his property? Bur Singh v. Uttam Singh, L.R. 38 Ind. App. 13.

The notes of stealth, haste, and contrivance attach to this transaction, and have not been removed.

Stealth or clandestinity is shewn by its consummation "behind the backs of relations, who might guard and protect against imposition:" words used in Ingram v. Wyatt, 1 Hagg. Ecc. at p. 438; and it was wrapped in secrecy till after the mother's (testatrix's) death.

Haste is shewn by the superficial way in which really important things were slurred over or neglected, the taking for granted that all wills should be revoked and executors thrust in without any information being sought from the testatrix, and all rushed through in less than half an hour. . . .

Contrivance is shewn in the cut and dried answer and the ordered array of names, and in many other respects that there is no need to dwell on.

There is no environment to help the plaintiffs. No evidence is given, except from Mrs. Hayes, that the testatrix was at any time dissatisfied with the will she had made, or that her intentions were at any time other than as therein expressed. She made no reference to the will propounded at any time afterwards, though she lived over a year and a quarter, and was, according to the plaintiffs, bright and clear to the last.

The whole of the evidence brings me to the conclusion that her capacity on the 25th May, 1912, was on the verge of extinction. Extreme care and caution were imperatively called for in the doing of any testamentary act, in order to satisfy the Court of her volition and understanding. The evidence now given falls far short of what is needed to satisfy the onus resting on the plaintiffs. I am unable to say judicially, as put by VanKoughnet, C., in Menzies v. White, 9 Gr. 574, that the testatrix thoroughly understood the effect of the will, and deliberately intended it to have that effect. . . .

These plaintiffs are executors chosen by some one else than