

THE COURT (MEREDITH, C.J., MACMAHON, J., TEETZEL, J.), dismissed the appeal with costs.

RIDDELL, J.

OCTOBER 19TH, 1907.

TRIAL.

FRETTS v. FRETTS.

Dower — Gift of Land by Father to Son — Mother Joining in Deed to Bar Dower — Absence of Consideration — Improvidence — Action by Mother against Son for Dower after Death of Father.

Action for dower.

W. S. Herrington, K.C., for plaintiff.

E. G. Porter, Belleville, for defendant.

RIDDELL, J.:—Plaintiff is the mother of defendant and the widow of the late William Ryerson Fretts. The deceased Fretts was the owner of considerable real estate, and in 1902 he was desirous of giving to defendant the land in question, composed of some 50 acres, part of lot 19 in the 3rd concession of the township of Fredericksburg.

Husband and wife did not live on the most harmonious terms, the husband from all the evidence having been an unreasonable and overbearing man. In October, 1902, he asked—perhaps “commanded” is the better word—his wife, the present plaintiff, to join in a deed to defendant, their son, of the property already mentioned. Without independent advice, but, as I think, understanding the effect of what she did, she gave way to the urging of her husband, and joined in the deed to bar her dower. No consideration was ever given for this conveyance, but I think plaintiff was at that time willing that defendant should have this property. I come to this conclusion upon her own evidence, and add that where her evidence and that of defendant and his wife do not agree, the evidence of plaintiff should be accepted.

The husband died in 1906, and in his will appear certain provisions for the benefit of his wife. She did not and does not accept these in lieu of her dower, and this action is brought for dower in the land already mentioned. At the trial she expressed her willingness to accept even \$50 a