

been paid), and that the note, as a part of the contents of a desk of the deceased, was given to him (the defendant). He claimed the house and cows by purchase from the deceased—the purchase-money to be paid, after the death of Peter, to his nephew Richard. Peter died at the age of 95. The alleged gift was made on the 9th or 10th March, 1915, and Peter died on the 2nd May, 1915. The action was tried without a jury at Lindsay. The learned Judge set out the facts and reviewed the evidence in a written opinion. He said that he accepted the evidence of the defendant as establishing the gift. It was corroborated by other material evidence, particularly that of Mary Murtha. Mary, as the sister of the defendant, was an interested witness, but she gave her evidence in a truthful manner, and she stood well the test of a very vigorous cross-examination. The story of the defendant and Mary was not a fabrication, but a true account of what happened. There was other material evidence in corroboration. The evidence also established the sale of the horse and cows to the defendant. The gift of the \$200 note could not be sustained. The note was payable to the order of the deceased, and was not endorsed by him. The gift was incomplete. The note was not produced and handed over to the defendant, as was the money. There was no doubt that at the time of the alleged gift the deceased was of disposing mind and memory. Judgment declaring that the defendant is entitled to the money in Court, \$2,960, and interest thereon, and is the owner of the horse and cows, subject to the payment of \$100 to Richard Murtha; that the plaintiffs are entitled to the delivery up of the promissory note; and that, in default of its being handed over within 10 days from the date of the final judgment in this action, the plaintiffs will be entitled to a personal judgment against the defendant for \$200, with interest at 10 per cent. from the 15th August, 1913. No costs. G. H. Watson, K.C., and T. Stewart, for the plaintiffs. R. R. Hall, for the defendant.