

JAMES DUNSMUIR

grounds of undue influence, incapacity

and insanity; and also to set aside a deed

erly Josephine Wallace, dated 1st Decem-

ber, 1900, whereby in consideration of an

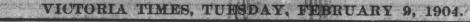
annual payment of \$25,000, the said

Defendant With Costs.

ry Co., Ltd. 39 and 41 Johnson Street cery Co., Ld., 42 Government Street.

the hospital on Sunday, the 31st, a.m. At 11.45 o'clock on the y night previous he went to Man room at the Chinese theatre and d there waiting until Man Quon hed his work. When the latter he asked witness to have some Man Quon borrowed five dollars ess and gave it to another to and purchase the lunch. While ere sitting around the table a an entered the room and asked go out as he wanted to speak to Witness did not know the r's name. Quon refused to go "If you have anything to say, ight here in the room. What's

of the testator. This case has taken a use it." This evidence of a man of Dr. obtained. preposterous time-42 days-to try, and Janeway's standing is, in my opinion, Anothe considered as having a disposing mind ther replied "Wong Hong," and or memory. the propagation of fish, and that henceforpreposterous time 42 days—to try, and although eighty witnesses were examin-ed, many of them were no assistance to the cuse, and a great deal of irrelevant testimony was adduced which had no bearing whatever on the issues; but I al-both do in explicit terms, but he says interval considerable latitude owned to the terms of the test and pr. Dumond. He does not diagnose the case as alcoholic dementia, which Dr. Culbert and Dr. Dumond bearing whatever on the issues; but I al-both do in explicit terms, but he says interval considerable latitude owned to the terms of the test and spress. He made a careful heating spress the made a careful The advantages to be derived from ored Man Quon what his surnam as will give it effect. Undue influence ward there will be no scarcity in the supply of salmon coming to the Columbia river and other streams of Oregon and d Quon told him. The latter is neither persuasion or suggestion, i ganized efforts on the part of seed growers are not dissimilar to those which ted him to have some lunch must amount to force and coercion. breeders of pure bred live stock obtain ong made no reply and left the stroying free agency, as Mr. Justice Wil-Washington. According to Mr. Vandusen, through their associations, and the genliams says in his book on executors; and in Hall v. Hall (1868), 1 P. & D., 482, hortly afterwards he return artificial propagation is the one thing inst description with and the split terrent of terrent of terrent of terrent of the split terrent of the split terrent of the split terrent of the split terrent of ter d there a second and asked Man eral operations of an organization of seed come out. Before the other swer Wong Hong slipped over Quon was and grasped his Man Quon resisted and Wong alled for assistance. Seven or amen rushed into the room. four dragged Man Quon off the of them beating him with an He recognized one of the ong On. They dragged Man om the room. Witness was unlow owing to the crowd. He es of "Beat him to death," and l of an object falling to the iron bars were produced but the could not swear that they were used. Of the crowd he recogwhen he died. He had been in our of the brain. Dr. J. C. Buckley saw him in father, Robert Dunsmuir, until his 1893 and he ordered him abroad. Says ong On, Wong Nam Yuen, father's death in 1888. After that date he continued to manage the business for himself and his brother, the defendant, until 1896, when the business was com-verted into a joint stock company, of which the testator was president. The business in California was confined to in bis diagnostis. This is the medical charfering ships; obtaining employment of the company's own vessels, and ar-ranging all matters of this sort. The business was a very large one. The coal erles of Washington and Oregon will have oon, and Wong Sam. Witness rom the balcony and saw Man taka about 21/2 years. ency toward variation. Heredity and It must . not b lost sight of that his widow's name does turned into the Columbia river, and its the tendency toward variation can tributaries 70,643,676 chinooks. During the not appear in the will, and the reason as-signed is that he had provided for her. ng on the stage. He then went the police, but met a constable turned to account in the improvement of lants equally as well as in the improveseason the hatcheries will turn nearly ment of animals, but unfortunately few seven million sockeres into the por coming in. In the meantime on's assailants had disappeared. He had bought this property at San Le-andro in her name, and built a residence streams. thmers make any attempt to systematically apply these principles to the im-provement of plants. Through heredity on it at a cost of some \$350,000, and he juncture the two men charged LIFEBOAT PROPOSITION. said that the rental of the leased portion of the estate would bring in some \$8,000 crime were brought and variation improved varieties of field crops tend to revert to the wild types witness identified Wong On. To the Editor:-Your readers will have a year, and that with the \$1,000 a month, which his brother would pay her, mbered seeing the other prisonmanifested no little interest in the report from which they evolved; but when the g Gow-there too. Wong Hong given of the enthusiastic meeting of would provide a sufficient income. improved sorts are provided with the enof those who pulled Man Quon oria citizens on the question of a lifevironment best suited to their growth, and a continued selection of the most deroom. When witness saw the nan at the höspital Man Quon by death of the patient. He considered ping Company, and a large ship owner, \$1,000 was raised to \$2,000 a month by and a continued selection of the most de-sirable specimens practiced, this natural tendency toward reversion is overcome. was supplied by R. Dunsmuir & Son, York and San Francisco, and come to the defendant, he inferring the testator's Alexander Dunsmuir belonged to the always found the testator a tho oria, and the coal mines which the conclusion that Alexander Dunsclass of periodic drinkers, with great re- business man, and in September, 1899, \$1,000 a month was not sufficient to keep n if the people who assaulte supplied the coal, and the railway from muir was suffering from alcoho arrested. He told witness he ap the place. tendency toward reversion is overcome. he arranged about the loading of a ves Though it is highly important that the arriver of grain be wall suited to the Victoria to Nanaimo all belonged to the mentia. This witness admitted that the cuperative powers. To continue the story, it appears from e (Man Quon) was going to die testator and his brother equally. The symptoms of meningitis were almost This closes the medical testimony on sel, and on December 20th he discussed the evidence of Henry Sample, a railway variety of grain be well suited to the "Those people must be artestator was president of the railway both sides, and the result is that from freights with him, and found him very plan materializing: identical with the symptoms of alcoholic He inquired about Wong Se ocality where it is to be grown, too much porter who accompanied the testator and August 1898 to December, 1899, he was attended medically for drunken sprees of change in his speech or memory. Thus faith has been pinned to the names of varieties without due attention to the quality of the seed itself. It is not al-Nitinat Indian village of Clo-oose, the only Senator Macdonald referred to Carmanah and the various coal mines were operdementia, and mental symptoms do not his wife to Chicago, leaving San Franam, Wong Hong and Wong ated as separate joint stock companies differ from other forms of dementia; and en, and was apparently trying cisco on the 22nd of December, 1900. longer or shorter duration; he was care-fully examined by the different medical private history of the testator down to for the convenience of bookkeeping. The he admitted that a man suffering from hat Alexander Dunsmuir drank to exfore names, but owing to his ways recognized that there may be as place of ingress or egress during a storm much difference between two strains of for a line of coast extending from Port testator is spoken of by many business alcoholic dementia could not understand was unable to do cess during the trip to Chicago, and stay men and none of them discovered the the time of his execution of the will, and men as a man of marked business capa- the nature and extent of his property, ed in his berth all the time. He arrived two hours before he died. none of those witnesses with whom he slightest indication of mental disturbcity, very shrewd and keen, but he was for the disease blunts the capacity of at New York on the 26th December in a very bad condition. He went to the Imseed of the same variety of grain as there is between two distinct varieties so there is between two distinct varieties so knew the reason of the asrather a silent man, difficult for strangers to get on with; brusque in his speech, able by an ordinary layman, yet in the ance. If the disease existed it is hardly transacted business ever saw any indithe Friday night previously possible to have escaped the trained eye cation of any weakening of the mental perial hotel and continued drinking until far as the capacity of the seed to give a large yield of grain of good quality is a good beach to launch a boat from. This , while he was in a room in faculties. They knew of his drinking and I should say, rather domineering and earlier stages he could do business; trans- of the gentlemen who were in attendance the end came, with a few intervals. when story of the theatre he heard on him. In addition to these observers habits, but they did not appear when he arbitrary. He did not go into society, act important business, and make sughe was sober enough to go out. During this time he had a recurrence of the owing perhaps to his social relations with Mrs. Wallace, whom he shortly be-fore his death made his wife. The evidence discloses the fact that concerned. It is therefore important to can be borne out by Captain Townsend, of wustairs. He tried to get had business to transact. use seed of the best variety that has had the Queen City, as Clo-oose frequently lands the stairway was so crowded I now deal with the execution of the symptoms spoken of as showing themkindly treatment and continued selection | Carmanah mail from that steamer when 't do so. Eventually, when he for several years. In the production of impossible for a boat to leave the latte will. The defendant, at the request of selves whenever he was drunk, or recovown Man Quon said he had a The evidence discloses the fact that important business yet be mentally in- a private hospital for the same class of good paying crops the cost of the seed is place. In a conversation the writer had the testator, brought the will prepared by Mr. Pooley down to San Leandro. He h Wong Nam Yuen. ed the witness's testimony. No ering from a prolonged spree; but instead competent, it is a contradiction in terms disease. He considers that the sympdrank to excess, and was frequently small, but the influence of the seed is | with the late Mr. Milne, collector of cus of recovering he gradually got worse, and ecause of periodic drinking which I cannot appreciate. If mental toms detailed were consistent with a profrom the 9th of January until the 30th. great. Plumpness and freedom from im-when he died, he was hardly sensible, or purities is not sufficient proof that seed securing a lifeboat and manning it with a handed it to the testator, who read it sed the witness's testimony, No uts. He had three or four attacks of longed spree, meningitis, toxic effect of when he died, he was hardly sensible, or incompetency arising from disease exand asked his brother to keep it until grain is capable of giving a good crop. crew of stalwart Nitinats, who might re-Breeders of poultry do not pay much at-ceive a thorough training from some extremens, but one characteristic ists it would show itself, more especially alcohol and alcoholic dementia. If he after the wedding. The witnesses to the will prove he was perfectly sober at the The only other point bit of his was that he never was seen any of his employees under the in-ing very important matters. If he is he could not do business, as there are Breeders of poultry do not pay much at-tention to the size of eggs for incubations: perlenced boatmen. The Indian will weathberating they returned the The clergyman supports this view, they want, first of all, to know some- er tremendous seas with his dug-out, and ence of liquor during his office hours, capable of deciding important business no lucid intervals in that complaint. It something about his habits. The mar-riage was solenmized some seven miles urgent request by her own solicitor St. which generally lasted until/about 1 p. m.; after that period he undoubtedly not all formed with the same mental cape his medical men. The general ef linister's Duty after that period he undoubtedly not all formed with the same mental cape his medical men. The general ef-k more or less. When he had been faculties, and yet if Dr. Macdonald is fect of the testimony of Dr. Macdonald from Mr. Agnew's house, where the had only Mr. Dunsmuir's word to rely. sympathetic have but to learn of the in on a spree, as some witnesses describe correct, a man of feeble intellect, yet and Dr. Gardiner is that it is practicbut from the majority of the ancestors. ING TRIBUTE TO THE STERhis actions, he kept away from the office is showing no mental deringement, is ally impossible for a person having alco-until he entirely recovered. These spress still incompetent to manage business holic dementia to attend to business and stance of the Puritan wreck off Bonilla It is equally important that seed be bridal party were staying, and to whose on for the payment of the \$25,000, and Point, when a young Nitinat at great risk WORTH OF DR. AGNEW'S house they returned; and every one of in case anything happened to him she taken from a crop in which the individual sted from a few days to two or three matters. I place but little reliance on deal with matters of business import-eks. This is the character of the man evidence of this character; it is of the ance; and Dr. Gardiner has never known of his own life rescued the captain of the RRHAL POWDER. the party present corroborates his so- might be left without any document sub- plants have had an opportunity to attain vessel and a crew of twelve. Had the weks. briety. After the marriage the will was executed, and I will now trace the rea-There is not the slightest evidence of any know anything worthy of reca maximum vigor and yield per plant, United States government been fully cogs disclosed in the evidence, and it is on usual class when an expert is retained a case that developed in a year. and it is just as important to have on I consider it my duty to tell nizant of the whole circumstance its donathis habit of excessive drinking that the for one side or the other. He is not Having thus dealt with the medica sons for the will which was made. In September, 1888, Alexander Dunsmuir It was drawn and executed under the Rev. James Murdock, of Hamdefinite information about the crops and tion to the young fellow would have been plaintiff's case is founded. The evidence runs in two lines. First, the class of evidence relating to his home life, where all the follies of intoxication, the delusions, incoherencies, mutterings di irrational mathematica in the medical impartial, and struggles to impose his that no evidence to the other had no evidence before him of the pow-the testator exercised in busi-mess matters. He knew nothing about the beside of the other the basis of the other to the other the delusions, incoherencies, mutterings the basis of the other the testator exercised in busi-the basis of the bas how the work of selection was carried on more than a hundred dollars. "Dr. Agnew's Catarrhal Powder" gave Mr. Pooley, K. C., instructions to advice of her solicitor, and when some-prepare his will, and those instructions thing was mentioned about the chance of for several preceding years, as it is to have a knowledge of the ancestors of There is a small bight a little over a me of catarrh of five years' mile west of the point where the steamer It is certainly magical in its e first application benefitted me breeding animals. In consideration of Michigan was wrecked some years ago, ere to leave all his property to James breaking the will, she declined to listen Duasmuir and \$50,000 to each of his to it. She said such a course would ex- these principles which underlie improve- near the eastern entrance to Pacheena bay. ites." and irrational remarks are all set forth the business matters which occupied his pany; vice-president of the Union Col-a detail as if they were the ordinary attention when sober, or of the opinion licry Company; he was also president of which is spoken of by the Indians as a ew's pills cure the liver and surviving sisters. He wanted to put this pose her life to her friends and acquaintment in common grain crops, and in view money in the hands of trustees, but Mr, ances as she was believed to be the tes-Pooley advised him to give it direct. Sub-tator's lawful wife for years, and from of the limited supply and growing destomach. 10c. place of shelter in case of emergency. attention when sober, or or the opinion intery combining for a state of the state o mand for high class seed grain, an effort Situated on a point there is a commanding sequently he returned to the office and her affection for her husband she would is being made by the department of agri- view of the coast east and west, and being MARRIED. culture at Ottawa to form an association in the vicinity where vessels are borne on that will operate for the mutual benefit | the beach by the strong tidal currents | CEVEN.-At Vancouver on Feb. Rev. C. H. M. Sutherland, Wm. and Miss Annie Stevens. car cleaners, and people of this class; not the business man among them, and some deserving of little credit. Others are somebics the solution to form a proper diagnosis of the business man among them, and some deserving of little credit. Others are the solution to form a proper diagnosis of the solution to form a proper of seed producers and seed consumers. might be advisable to make a survey of the According to the provisional rules of place before locating elsewhere. of seed producers and seed consumers. Cle-cose is the most favorable point for launching and landing a boat, and with the DIED. deserving of little credit. Others are a position to form a proper diagnosis of for chartering vessels to carry coal, and to get speedy dispatch. All these matthe association, seed grain that is pure, -At Nanaimo, on the 7th inst., wife of G. W. Barlow (formerly, lith Millington), aged 30 years, a and write a letter directing James to pay and the reasons given to her solicitor true to variety, and that had the benefit \$50,000 to each of his sisters when it were quite sufficient. true to variety, and that had the benefit of a system of careful growing and constation placed on the point a few hundred attended to by the testator. anterior to the will, such as W. D. Hop- | tial. tial. I will now discuss the medical evi- None of his employees ever saw him un Millington), aged 30 years, a Victoria. This disposes of a review of the evi-dence, and on the facts alone I am safis-years, is recognized as improved seed. extending from eastward of Bonilla Point per. Buzzelo, Geo. Hock, Mrs. Douglas. This latter evidence is worthless if the would be convenient. The will was thus dence adduced for the defendant and der the influence of liquor during bus prepared and taken away; and subseakes place from the residence o 15 miles westward along the beach. nedical evidence is correct that the dis-ase which they alleged he died from with one exception, on personal attend-transacted business, namely, J. H. uently signed at the club, not in the fied that Alexander Dunsmuir was of resence of Mr. Pooley. He subsequent- sound and disposing mind when he The operations of members are closely ther, 129 Fisguard street, to This has been presented simply as inforpresence of Mr. Pooley. inspected and records are kept of the 3 p.m. when he mation for your readers, with the hope ly told Mr. Pooley he had signed the executed his will. That he had for a Was alcoholic dementia, as that only ance on the testator. Dr. Thorne knew Fritch, who was buying coal by the takes from eighteen months to two years the testator since 1890, but commenced cargo, saw the testator almost daily, explease accept this intimation amount and pedigree of the seed they that the lifeboat scheme may receive due produce. It is proposed to issue a catawill, but had torn up the letter. In No- long time before expressed his intention At Vancouver on Feb. 4th. Ardell, aged 57 years. sympathy and assistance. run its course. run its course. But here again the to attend him medically from October, cept when he was away from his office, tors differ. One says he never knew 1897, to August, 1899. His first visit and from the way he transacted his vember, 1899, the defendant came back to make a will in favor of his brother ogue for general distribution each year W. J. STONE. E.-At Vancouver on Feb. 5tr, mes Prentice, aged 29 years. from California and told this witness his James, and the will he did make was in in which the names and addresses of <sup>a</sup> case of less than two years, and others was in consequence of a debauch. After speak of months. and the had to perform an operation for with a good memory. In December, said he wanted a new will; and what he pressed intentions of former years. I kinds and varieties of seed produced by Lever's Y-Z(Wise Head) Dis'nfectant Som The next class of evidence is the medi-hemoroids in November, and the result 1899, he requested the witness to ascer-wanted was a copy of the will he had may remark that a disproportionate them, the pedigree of the seed; the cal testimony, and this requires careful was that the testator was confined to his tain what the Nanaimo people were do-made before, and wished the defendant amount of attention is on the plaintiff's amount of seed for sale and the price per Powder dusted in the bath softens the water at the same time that it disinfects.



能認識

bed for some time, as his recovery was alow. He became convalescent the hit ter part of January, and in addition he suffered from heres, a distressing com-plaint, which pulled him down, and he did not recover till March. He partially that month, and continued drinking for the next two months, and canter the toget and show the end of August, 1898 having been drinking more or less up to his arrival in Vietoria, and was threat ened with an attace di delicate members, with the textator and was threat ened with an attace di delicate members, with way on a fishing trip, during which here for man the recovered the textator way on a fishing trip, during which here textator and na the recovered the textator way on a fishing trip, during which here textator and he was perfectly well and took an active part in the excursion and en WINS WILL CASE Mr. Justice Drake Saturday Gave Judgment in Cause Celebre for Mr. Justice Drake Saturday gave | consideration. The first witness was Dr. judgment in the celebrated will case of Marshall, who attended from 1886 to Hopper vs. Dunsmuir. He found for the September, 1897, who says that he had defendant, James Dunsmuir, with costs. attacks approaching delirium tremens An appeal will be taken immediately by about every six months, and he noticed a gradual breaking down of his health;

teresting history of the case, follows: tor was afraid of being poisoned, and meningitis. He never had delirium tre-mens when the doctor atiended him. This is an action brought by Mrs. heard voices, and he did not consider him The doctor had made a careful examina-Hopper, the stepdaughter of Alexander of sound mind. During the time he was tion of him at the Grand hotel, and Dunsmuir, against James Dunsmuir, the attending him he was called in about muir, to set aside the will of the said always suffering under the influence of Thorne he had been told by a doctor he Alexander Dunsmuir on the usual liquor, but when sober he was sensible had Bright's disease, the kidneys were and insaminy, and between Josephine Dunsmuir, form-made between Josephine Dunsmuir, form-thine Wallare, dated 1st Decem-for he says he talked sensibly enough when he was sober. The next medical witness is Dr. Culargument; not given to talking much; his bert, of New York, who attended the tes-tator in January, 1900. He says he was Josephine Dunsmuir waived and relin- tator in January, 1900. He says he was Josephine Dunsmur warver and reing-quished for herself, her heirs, executors, administrators and assigns all right, claim and interest to alf real and per-sonal property left by the said testator where residing under the laws of British ance arising under the laws of British standing. His examination occurred very years' standing, which is, after all, an Columbia or California. With regard to shortly before his death, and he certified the plaintiff's right to attack the will of the cause of death was meningitis, which opinion not founded on any knowledge of the history of the case, but a prethe cause of death was meningitis, which the testator I fail to see any right, legal usually does not last longer than two or equitable, which enabled the plaintiff weeks, and in the case of the testator sumption only.

Another medical witness is Dr. Davie, to take such a step. If the testator died it lasted five to seven days; and the who had known him for ten years before, ed. Mrs. Josephine Dunsmuir did hot diseases, and he says he was suffering disaffirm it in her lifetime, and the plain- from alcoholism which had produced im-

away on a fishing trip, during which period he was perfectly well and took an active part in the excursion and en-joyed a good appetite; and he further says when he was free from the effects of alcohol he was all right—with no signs of any mental derangement, and no indication of it was ever mentioned by Mrs. Wallace, who nursed him during his drinking attacks. The doctor never all the time he knew him found him inall the time he knew him found him in-coherent or mumbling in his speech ex-ed by the Oakland ferry together, as he plaintiff. The judgment, which contains an in-

Eugene M. Freeman, a pilot commissioner of San Francisco, knew the testator for over 20 years. Saw him almost Dunsmuir, against James Dunsmuir, the attending nim he was called in about found disease of the liver and heart. As daily, and on 20th December, 1899, talk-executor and legatee of Alexander Duns- Image of them he was Alexander Dunsmuir had told Dr. ed with him. He was quite coherent and daily, and on 20th December, 1899, talkconnected, and discussed business mat-ters of the subject of chartering vessels, which he stated he would arrange in March on his return from New York. induct, but when soper he was sensible enough. This evidence refers to the gen-eral results of intoxication. All the indi-cations he mentions are clearly due to drinking and not necessarily to insanity, for he says he talked sensibly enough when he was sober. The description of the disease found. The doctor found no sign of want of coherency in his speech an overbearing man to his employees, intolerant of contradiction, impatient in arrument, not sign of the directors of the company in San Francisco. Mr. Young, manager of the Bank of British Columbia, speaks of frequent business Columbia, speaks of frequent business discussions with the testator as to the bank account, and always found him quite sane and business-like. Further evidence of the same character was adduced, and in no case is there any suggestion of any weakening of the mental faculties, and no indication of anything approaching alcoholic dementia; and in further support of the defendant's case detailed evidence is given of the building of the house at San Leandro and furnishing the same. The architect and the contractor for the building, who are

entirely unconnected with the parties to the suit, both speak of him as clear in to take such a step. If the destator that symptoms might equally relate to alco-do so, but the plaintiff is no blood rela- holic monomania, or alcoholic dementia. And who treated him in 1898 when in mind during the time. In April, Whar-to alcoholic dementia. 448, Lord Hatherly: "Those who have been instrumental in preparing or obtain to so, but the plantin is not block reast and in the latter is a form of insanity from alcoholism, and he states he was a man feebly, but his mind was clear. He was tion, and the tables of consanguinity no not recognize a stepdaughter, or any one who is not of the blood of the testator. With regard to the deed of the 1st of incomparises affairs, his judgment is covered from the attack he went away the memory incomparised and he covered from the attack he went away the memory incomparised and he covered from the falling trip before mentioned and the memory incomparised and he covered from the attack he went away the memory incomparised and he covered from the falling trip before mentioned and the memory incomparised and he covered from the falling trip before mentioned and the covered from the falling trip before mentioned and the states he was a man the falling trip before mentioned and the state ing a will have thrown upon them the onus of showing the righteousness of the transaction." Here we have the inten-December, 1900, if as alleged that deed poor and his memory impaired, and he on the fishing trip before mentioned, and also arranged for the removal of a cot-was obtained by undue influence, as to could not comprehend business transacreturned in first class condition. Dr. Davie made a careful diagnosis of his influence, it therefore was a voidable known over America as a man of great speech was difficult, but this did not last whole of the year 1899 he was employed transaction, and is good until disaffirm- ability and famous as a diagnostic of after his recovery. He walked erect and at these various works. The house and there was nothing peculiar in his walk. works were closely criticised by him, and disaffirm it in her lifetime, and the plain-tiff cannot disaffirm it now actio person-alis'moritur cum persona. After this action had been partly heard and the plaintiff's case was drawing to a close, Mrs. Dunsmuir, the mother of the testator and of the defendant, applied to be joined as intervener, which was allowed, and she, as next of kin, set up, as against her son, the defendant, the same case as the plaintiff against the will of the testator. This case has taken a He further stated that death from alco- in some respects altered; and no indica-

present testator there is absolutely no evidence of delusion indicated or spoken of by any witness with whom the testa-tor had business relations. He had delusions while he was in a state of intoxication bordering on delirium tremens. He thought his food and drink were poisoned and that fish were on the floor. but no one ever heard of these delusions lasting after the drinking fit was over: and no mention is anywhere made of them in his sober moments. In Banks v Goodfellow, L. R., 5 Q. B., 594, Lord James and his children. This evidence shows that his intention prior to execut-Coleridge goes so far as to say that partial unsoundness not affecting the ing the will in question were clear and defined. It also confirms Mr. Pooley's general faculties, and not operating on the mind of the testator in regard to his statement "that the instructions to prepare the will, to be executed after the testamentory disposition is not sufficient to prevent a person disposing of his prowedding were properly conveyed to him perty by will. He then controverts the by the defendant as Alexander Dunsdoctrine laid down by the House of Lords muir's own instructions." I fail therein Waring v. Waring, 6 Moore, P. C., 341; and Smith v. Tibbett, 1 L. R., fore to see that any undue influence was exercised over Alexander Dunsmuir by the defendant. In Barry v. Butlin (1838), 2 Moore P. C., 480, Parke, B., 398, where it is laid down that a person asane or any subject cannot make a will. If I accept the House of Lords cases as says the onus probandi lies in every cas he stronger authority I cannot find anyupon the party propounding a will, and thing in this case which indicates insanhe must satisfy the conscience of the court that the instrument so propounded ity at the time of the execution of the will. I agree with Chanchlor Spragge in is the last will of a free and capable tes-Waterhouse v. Lee, 10 Grant, 178, tator. The second is that a party who facts sworn to are of far greater weight writes or prepares a will under which he takes a benefit is a circumstance which than scientific opinion, and Aitken v. McMecken (1895), A. C., to the same ought to excite the suspicion of the effect, and when I find facts that show court, and calls upon it to be vigilant and zealous in examining the evidence in supess capacity, shrewdness, and a successful management of a large concern port of the instrument in favor of which without delusions, I am of opinion that it ought not to pronounce unless the sus such a person is capable of making a picion is removed, and it is judicially satisfied that the paper propounded does I therefore give judgment for the deexpress the true will of the decomposit Fulton v. Andrews (1875), 7 E. & I..

endant with costs both against the plaintiff and the intervene (Sd.) MR. W. TYRWHITT DRAKE.

THE BREEDING OF GRAIN. Good work has been done along various

tion of the testator expressed verbally to lines by the Dominion department of responsible and reliable witnesses, carried out by a will made under his direct agriculture and by some of the provincial personal instructions in 1898, and an ex-actly similar will executed in 1899, the departments of agriculture in Canada with a view to encourage the use of high one in dispute. Also I have the fact that it is made in favor of his only broclass seed of the best varieties, but there is yet room for a considerable increase ther and a partner in all his business transactions, and one in whom he placed in the average yield of common field crops by the use of better seed grain. The object of forming associations of seed growers may not be perfectly clear to all. The idea may be new in Canada, but there are associations of seed growficient soundness and discretion to man- ers in other countries, such as the Illinois

age his own affairs, still if such a Seed Corn Growers' Association, that are doing good work. The benefits derived from associations of breeders of live stock are pretty well understood.

To the Editor:-In your issue of yesterday notice a letter under the heading "The Government and Game Laws." I would like to ask "One Who Signed the Petition" if the Game Protection Association are willing to pay the farmers for feeding the pheasants? The probabilities are if they had to pay for one-half of what the pheasants destroy they would not be so "determined to have a law passed" for the pests" protection. It might be just as well for the Gun

Club to know that the farmers are just as determined to have the pheasants exterminated, and if the government are sincere in their promise of help to the "small farmer" they will help the farmers to destroy them by giving a bounty of 25c. per-head, as it costs more than this to catch The undersigned has had to pay for much

valuable time spent in hunting and destroying them the past summer; yet a month ago there were twenty-four pheasants in one of our fields at one time. Now for three months they will destroy a large amount of young clover. Then if we sow grain, each pheasant will eat one pint of grain per day for sixty days, 60x24 equals 1,440 pints, or, say, 22 bushels of seed: this added to what the wild pigeons and blue jays destroy doesn't leave much for a "small farmer." Let the Tourist Association and govern-

ment put this in their list of inducements to farm settlers. Perhaps some of the legal lights in the House will arise and ex-plain what part of the constitution allows a provincial government to import and naintain a pest any more than a private individua

DELATE. Victoria, Feb. 5th, 1904.

SALMON HATCHERIES.

To the Editor :-- If anyone who listened to Mr. Babcock's very interesting lecture before the Board of Trade could need any further facts to convince him of the great commercial importance to British Columbia of the energetic prosecution in this prov-ince of salmon culture, the following ex-tract from to-day's Seattle Post-Intelli-gencer should finally settle the juestion. What the Americans are doing for the Columbia surely we can do for our rivers. "SOCKEYE." Victoria, B. C.

Salem, Ore., Feb. 4.-Master Fish Warden H. G. Vandusen's annual report shows that the government hatcheries in Oregon and Washington are doing remarkable work in