

# Canada Law Journal.

VOL. XLVII.

TORONTO, MARCH 15.

No. 2.

## UNDUE INFLUENCE.

The case of *Finn v. St. Vincent de Paul Hospital*, 22 O.L.R. 381, recently before the High Court on appeal from a judgment of the County Court of the United Counties of Leeds and Grenville, presents some peculiar features.

The facts of the case were as follows. Paschal Finn, the husband of the plaintiff, had been for a number of years prior to his death a pauper inmate of the St. Vincent de Paul Hospital, a Roman Catholic institution at Brockville. The only property Finn possessed was a beneficiary certificate issued by the Catholic Order of Foresters. According to the rules of the Society, it would appear that Finn was precluded from bequeathing or transferring the certificate to the hospital, which he was desirous of doing. In order to get over this difficulty, according to the evidence, Finn conceived the curious idea that what he could not do directly, he could do indirectly, by getting married and leaving a widow on whom the certificate would devolve, and who should undertake to give half the money to the hospital. Before communicating this idea to the priest in attendance at the hospital, he is said to have proposed to the plaintiff, and secured the acceptance of her hand on these conditions; and having thus completed the bargain he desired his spiritual adviser to tie the matrimonial knot. Naturally the proposal struck the reverend gentleman with astonishment, as poor Finn was near his end, and, in fact, as the event proved, on his death-bed. It had, as he said, a commercial look and he did not care to perform the ceremony, but after due consideration, he came to the conclusion that as Finn had a right to marry, it was his duty to marry him if he so desired, which duty he accordingly performed. After