

R. v. Dale*Forgery and Uttering of Will—Crime Detection Laboratory—Document Examiner's Identification of Handwriting Evokes Confession*

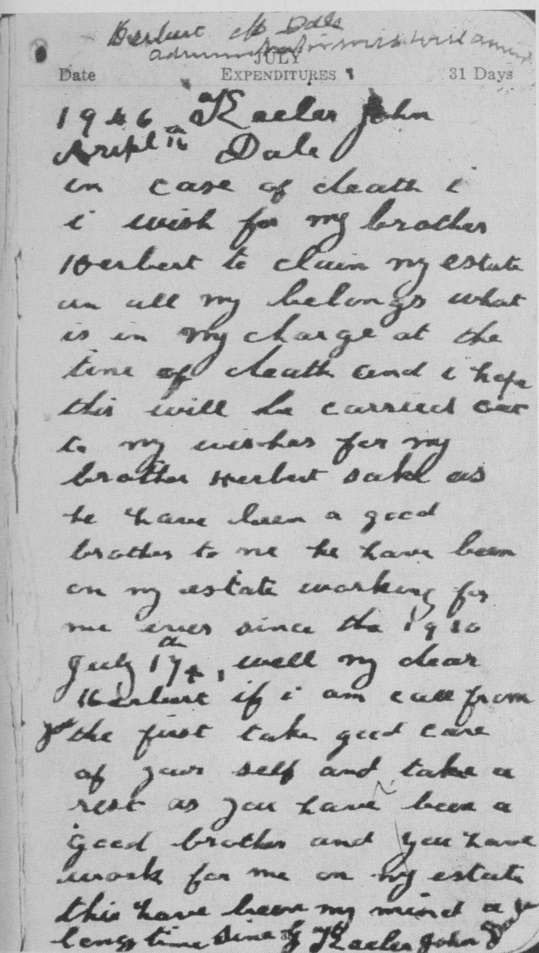
This unusual case revolves around the settlement of an estate worth over \$65,000 and points up the value of document examination as an aid to law enforcement.

Herbert Maxwell Dale, whose brother Keeler John Dale a well-to-do bachelor farmer of the Boissevain, Man., district, died as result of an accident on Oct. 23, 1946, without leaving a will, forged a will in which he named himself sole beneficiary of his brother's estate. He already was the beneficiary of insurance amounting to \$7,500 but insisted to the solicitor who had attended the deceased's legal affairs and was convinced the de-

ceased died intestate that his brother had left a will bequeathing everything to him. Nevertheless he completed papers to have himself appointed administrator and on Dec. 20, 1946, received the grant of administration from the Court. However, a few weeks later he produced what purported to be a holograph will (one written wholly in the handwriting of the person in whose name it appears) executed on a page in an account book that had belonged to his brother and instructed the surprised estate solicitor to have the grant of administration revoked and a new application made for administrators with will annexed.

The alleged will was dated "April, 1946", and after examining it the solicitor expressed the view that Herbert himself had written it, an opinion supported by a local bank manager who said the writing was quite recent as the ink was barely dry. Contrary to Herbert's wishes he refused to send copies of the document to the other heirs requesting them to release all claims in his client's favour, nor would he do so even after Herbert showed him affidavits that he himself had obtained from three of his relatives in the United States who declared that they were satisfied with the genuineness of the will.

The lawyer pointed out that under the Devolution of Estates Act for the Province of Manitoba he (Herbert) stood to inherit a considerable sum, and gave it as his considered opinion that any attempt to interfere with this distribution would be ill-advised. Thoroughly angry, Herbert said he was determined to push his claim to the limit and, when the solicitor remained adamant, he carried out a threat to take his legal business elsewhere and applied through another attorney for revocation of the letters of administration issued and for



The Forged Will.