

the preparation of the will and when he executed it, was not possessed of testamentary capacity.

Held, affirming the decision of the Supreme Court of Nova Scotia (28 N.S.R. 226), that although the testator suffered from a disease that induced drowsiness or stupor, and when he gave the instructions and executed the will was in a drowsy condition, and there was difficulty in keeping his mind in a state of activity so as to ascertain what his wishes were, yet as it appears that he understood and appreciated the instructions he gave and the document itself when read over to him, it was a valid will.

Appeal dismissed with costs.

Mellish, for the appellant.

Laurence, Q.C., for the respondents.

Province of Ontario.

COURT OF APPEAL.

From ARMOUR, J.]

[Jan. 12.

IN RE CAUGHELL AND BROWER.

Arbitration and award—Voluntary submission—Motion to set aside award—Time—52 Vict., c. 13 (O.)

A motion to set aside an award made under a voluntary submission must be made before the expiration of the term next after publication of the award, even if three months have not expired.

In re Prittie and Toronto, 10 A.R. 503, considered.

The construction of 52 Vict., c. 13, (O.) discussed.

Remarks as to the necessity of revision of the legislation as to arbitrations.

Judgment of ARMOUR, C.J., affirmed.

Clute, Q.C., and *Crothers*, for the appellants.

Armour, Q.C., and *McLean*, for the respondents.

From MEREDITH, C.J.]

[Jan. 12

HARNWELL v. PARRY SOUND LUMBER COMPANY.

Master and servant—Contract for defined term—Continuance of employment—Right to dismiss.

Where a book-keeper is engaged for the term of one year and his employment is continued after the expiration of that time, there is no presumption that it is to continue for another year. The employer may dismiss him at any time upon reasonable notice, and in this case, there being no evidence of usage to the contrary, three months notice was held to be reasonable.

Judgment of MEREDITH, C.J., reversed.

Osler, Q.C., and *W. M. Douglas*, for the appellants.

W. K. Cameron, for the respondent.