

door of the elevator, and at the same time started the wheel, which had to be completely turned around to move the elevator. On turning the wheel the door would close if shoved with the hand which was done. While it was being turned H., without giving warning, tried to get through the door, and the elevator being then descending, he was caught between it and the floor and injured, so that he died soon after. In an action by his administrator against the owner of the building:—

*Held*, that the accident was entirely due to the conduct of H. himself, and the owner was not liable. Appeal dismissed with costs.

*O'Connor*, for appellant. *Harris*, K.C., for respondent.

N.S.]

SKINNER v. FARQUHARSON.

[Feb. 20.

*Will—Capacity of testator—Insane delusion.*

F. in 1890 executed a will providing generally for his wife and making his son residuary legatee. In 1897 he revoked this will and executed another by which the provision for his wife was reduced, but still leaving sufficient for her support, and the son was given half the residue, testator's daughter the other half. His wife was appointed executrix and guardian of the children. Prior to the execution of the last will F. had frequently accused his wife and son of an abominable crime for which there was no foundation, had banished the son from his house, and treated his wife with violence. After its execution he was for a time placed in a lunatic asylum. On proceedings to set aside this will for want of testamentary capacity in F.:—

*Held*, reversing the judgment of the Supreme Court of Nova Scotia (33 N.S. Rep. 261), *SELGEWICK*, J., dissenting, that the provision made by the will for testator's wife and son, and the appointment of the former as executrix and guardian, were inconsistent with the belief that when it was executed testator was influenced by the insane delusion that they were guilty of the crime he had imputed to them, and the will was therefore valid. Appeal allowed with costs.

*Borden*, K.C., for appellant. *Harrington*, K.C., for respondent.

Ont.]

TOWNSHIP OF ELIZABETHTOWN v. AUGUSTA.

[March 11

*Drainage—Removal of obstruction—Municipal Act, 1883, s. 570 (Ont.)—Municipal Amendment Act, 1886, s. 22—Report of engineer.*

In 1884 a petition was presented to the council of Elizabethtown asking for the removal of a dam and other obstructions to Mud Creek, into which the drainage of the township and of Augusta, adjoining, emptied. The council had the creek examined by an engineer, who presented a report with plans and estimates of the work to be done, and an estimate of the cost and proportion of benefit to the respective lots in