

HOTTE *et al.* v. BIRABIN *et al.*

1904

Will—Testamentary capacity—Evidence—Art. 831 C. C.—Marriage contract—Duress.

*Oct. 11.

*Oct. 26.

APPEAL from the judgment of the Superior Court, sitting in review, at Montreal (1), affirming the judgment of the Superior Court, District of Ottawa, which dismissed the plaintiffs' action with costs.

The action was to annul a marriage contract and to set aside a will and codicil on the grounds of insanity and duress. The circumstances of the case are stated in the report of the judgments of the courts below (1). The action was dismissed by the Superior Court (Rochon J.) at the trial, and the present appeal was asserted by the plaintiffs against the judgment of the Court of Review, affirming the decision of the Superior Court.

After hearing counsel for the parties, the Supreme Court of Canada reserved judgment and, on a subsequent day, dismissed the appeal with costs, for the reasons given in the court below.

Appeal dismissed with costs.

McConnell for the appellants.

Foran K.C. and *McDougall K.C.* for the respondents.

*PRESENT:—Sir Elzéar Taschereau C.J. and Girouard, Davies, Nesbitt and Killam JJ.

(1) 2 Q. R. 25 S. C. 275.