

NOVA SCOTIA COURT OF APPEAL
Citation: *Whitford v. Baird*, 2015 NSCA 98

Date: 20151103
Docket: CA 430325
Registry: Halifax

Between:

Grace Helen Whitford

Appellant

v.

Edward Baird and Barbara Elizabeth D'Eon

Respondents

Judge: The Honourable Justice Peter M.S. Bryson

Appeal Heard: September 21, 2015, in Halifax, Nova Scotia

Subject: **Wills and estates. Testamentary capacity. Insane delusions.**

Summary: Appellant argued trial judge failed to consider evidence of insane delusion so that will should not have been admitted to probate.

Issue: Was testatrix subject to insane delusions which invalidated will?

Result: Appeal dismissed. While propounder of will must dispel any proved delusions, he did so in this case. It was not clear that testatrix entertained all the alleged delusions or that they had any impact on the will drawn some months later by a lawyer who confirmed testatrix's capacity.

Any alleged delusions should be considered in light of all the evidence including any changes to the will. In this case, those changes were minor. The Appellant was not disinherited. She was only removed as executor. Trial judge did not err in not finding insane delusion.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 7 pages.