

Johnson v Buttress (1936) 56 CLR 113

<http://lawcasesummaries.com/knowledge-base/johnson-v-buttress-1936-56-clr-113/>

Facts

- A 67 year old man is illiterate, of low intelligence and has no experience in business affairs
- After the death of his wife, he transfers their property to a blood relation of his wife
- The deed was signed in the office of the defendant's solicitor and the old man never had any independent advice

Held

- Due to the relationship between the parties, there was an assumption of undue influence
- Therefore the onus of proof was on the defendant to show she had not unfairly influenced the old man
- She couldn't do that and so she did not discharge the assumption

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