

out. The solicitor for the executors had, however, now put in a formal ratification by the co-executor of the contract made and an affidavit made by her shewing her desire to have the sale carried out. Plainly the executors were not actuated by the same motives as the wife of the acting executor; and the learned Judge thought that he ought not in any way to interfere so as to destroy any advantage that the plaintiff might have by reason of the launching of the administration proceedings and the making of the administration order before the ratification. The motion for leave to appeal should, therefore, be dismissed, with costs to be taxed and set off pro tanto against any costs or commission allowed to the executors. C. W. Plaxton, for the defendants. R. L. McKinnon, for the plaintiff.