

payers, and the Supreme Court, while not agreeing to this proposal, gave leave to apply to the Attorney-General to pursue the action in the public interests, and the Attorney-General has allowed the use of his name on the relation of Thomas D. Morrison, and in that position the trial took place before me.

I must add, before leaving the facts, that Andrew Landry shewed some indebtedness to him from the Sisters, but it was, I am led to believe, made up in part of charges which would not have been made if they had remained. The benevolently inclined were giving the Sisters work and materials in connection with their residence, Andrew Landry among the number. As soon as they left, many of them were converted into charges or claims. But I do not think consideration or no consideration matters in this case, since it is clear from any point of view that he knew all about the trust and had signed his name to the paper to the Bishop. In the same way it was proved before me, without any attempt at contradiction, that Felix Landry took his mortgage as security for debts which Andrew actually owed him, subject, of course, to the natural suspicion one has of transactions of this kind between brothers having close relations and fighting for a common purpose. But as Felix Landry was present at the school meeting of January 20th, 1907, and was fully advised of the determination reached, I think he must be treated as having taken the mortgage with full notice of all that transpired, and that his valuable consideration will not avail to secure his mortgage if there are any legal grounds upon which it can be successfully challenged.

Having disposed of the facts as they appear to me, I come now to deal with the legal aspects.

Notwithstanding that the learned counsel for defendants. Mr. Ritchie, K.C., strenuously urged that this assemblage of ratepayers on January 20th had no power to create any such trust as that embodied in the memorial to the Bishop: 1st, because the section had no right to take real estate except under the special provision of the Act, and 2nd, because a handful of the contributories to the fund had no power to lessen the scope of the benevolence of the whole contributory body, yet I would have little difficulty in determining that if this action had been brought in the name and on behalf of the trustees that Andrew Landry could be made