It is now sought to disturb this family settlement, when, from the nature of the case, it is impossible to say what are the real facts of the case, and 11 years after the settlement was made in the presence of a doctor who heard their affairs all talked over and agreed to, and who says he was impressed with the fact that plaintiff thoroughly understood it.

Plaintiff's counsel relied on Waters v. Donnelly, 9 O. R. 391; Sheard v. Laird, 15 O. R. 533; Disher v. Clarris, 25 O. R. 493. I do not think any of these cases apply here. . . .

I do not see any ground for intervening at this date to disturb what was done by the consent of all parties in the valuation put upon the lands.

Taking the personalty at $3,307, and deducting for bad loans $900, it leaves $2,407; out of this were paid the funeral and testamentary expenses . . . amounting to about $200—leaving $2,200. I think it quite probable that a very considerable portion of this money was expended in household expenses during the time plaintiff and defendant lived together. It was a common household, continued from the death of the father, and I have no doubt this arrangement was made to the entire satisfaction of plaintiff.

Defendant may have received more than her share of the estate — probably she did have some advantage — but without proof of fraud or undue influence I do not see how at this late date plaintiff can succeed. The parties most likely to have a knowledge of the transactions were called by the defendant, and, while they all say that they remember very little about it, they declare that plaintiff seemed to understand what he was doing and was satisfied with the disposition of the estate that was made.

After more than 10 years it is sought to undo all this.

When the personal estate was collected by defendant it was money had and received by defendant for plaintiff, and 6 years in respect of that would be a bar: Kirkpatrick v. Stevenson, 3 O. R. 361.

I think the judgment of the Chancellor is right and ought to be affirmed.

ANGLIN, J., gave reasons in writing for the same conclusion.

MULOCK, C.J., also concurred.

Appeal dismissed without costs.