

quest of his wife, Josephine Mack, the conveyance, dated the 20th December, 1912, was made to him and her and their three sons, two of whom are of age, and one, Noel Calvin Mack, is still an infant of 16 years of age. It is also said that the sons did not contribute anything to the purchase.

On the 20th April, 1914, the Brisco House premises were sold, and conveyed by John H. Mack, Josephine Mack, and the two adult sons, to W. J. Foster, for \$6,000, and the latter conveyed to them a certain property known as the Roblin property . . . valued at \$3,000, in part payment of the purchase-money. As the interest of the infant in the Brisco House premises had not been conveyed to Foster, an arrangement was come to whereby a mortgage on the Roblin property for \$1,500 was executed in Foster's favour for a named consideration of \$1,500, with a proviso therein for a release thereof upon the execution by the infant of a quit-claim deed of his undivided one-fifth interest in the Brisco House premises when he became of age.

It was, I think, suggested in argument that the remaining \$3,000 had been paid by Foster to the grantors, and that part of the same, to the extent of \$1,000 or \$1,500, had been used in improvements upon the Roblin property. It is said that there is an outstanding execution against John H. Mack for upwards of \$400, and that he requires funds to pay it and for the purpose of going to the North-West with the other members of the family, inclusive of the infant, for the purpose "of homesteading land for not only" himself but his "said three sons."

The arrangement that is sought to be carried out is the following: that the Court shall direct or ratify a conveyance of the infant's interest in the Brisco House premises to Foster; that the mortgage on the Roblin property to Foster for \$1,500 shall be discharged; that a new mortgage thereon for \$1,500 shall be given, the proceeds to be applied by John H. Mack in part in payment of the said execution, and, as to the remainder, to cover the expenses of removing to the North-West and taking up land there; that a second mortgage shall be given on the Roblin property for the purpose of securing to the infant the sum of \$1,200 to represent his one-fifth share in the sale-price of the Brisco House premises; and that John H. Mack will, in addition, and as collateral thereto, assign a certain life insurance policy. . . .

It is also said that the annual rental value of the Roblin property and of 20 acres of pasture land owned by Josephine Mack is in the neighbourhood of \$200 a year, and that she is ready and willing to execute a second mortgage on the 20 acres, in addition, to secure the infant.