

1862. cases that have been cited, the courts, it is true, have
 Henderson enforced the principle without enquiring whether the act
 V. done by the agent or trustee has been in fact injurious
 Graves. to the person *whose estate* and interest he was bound to
 consult and to protect; because, as they have said, he is
 not to be the judge of that; and in the next place,
 whether the interests of the principal or *cestui que trust*
 have, or have not in fact been injured by the agent or
 trustee having mixed his own private interests and trans-
 actions with theirs without their knowledge and sanction,
 would often give rise to enquiries, tedious and expensive,
 which might not after all lead to any certain conclusion.

But in these cases the person asking for relief has some
 estate and interest involved—something to protect—
 which is not the case here, if we take the facts to be as
 the plaintiff himself has stated them.

Judgment. The object of this bill is in effect to have the defend-
 ants declared by a decree of this court trustees for the
 plaintiff, contrary, as I conceive, to the usual course of
 equity as laid down in the cases I have referred to, and
 also in the case of *Colman v. Sorrell*, (a) where Lord
Thurlow says: "Whenever you come into equity to
 raise an interest by way of trust, you must have a valu-
 able, or at least a meritorious, consideration; nothing
 less will do."

Upon the ground of the plaintiff's want of any bene-
 ficial interest in the subject matter, I think his suit
 should not be entertained, and that his bill should be
 dismissed, but not with costs as regards the defendants
Smith & Henderson; for there is much in the evidence
 to lead to the conviction that the solicitors were acting
 in the matter with a view to secure a pecuniary interest
 to themselves, though professing to have only in view the
 object of dispossessing the squatters for the benefit of the

(a) 1 Ves. Jr. 55.

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