

RE McDONALD—FALCONBRIDGE, C.J.K.B., IN CHAMBERS—NOV. 8.

Devolution of Estates Act—Sale of Land by Administrator—Approval of Adults Interested in Estate—Sale without Application to Official Guardian—Confirmation—Terms—Costs—Interest.—Application in the matter of the estate of Ellen McDonald, deceased, for confirmation of a sale made by the administrator of the estate of Martha Beatty, in which no application was made to the Official Guardian, under the provisions of the Devolution of Estates Act. It appeared that all the adults interested in the estate were agreeable to the sale, having signified their approval by the execution of deeds to the purchaser, although it also appeared that Kathleen Weir did not now desire to carry it out. The purchaser had been in possession of the lands, and had made improvements thereon. While the evidence as to value was somewhat conflicting, there was no direct evidence to shew that, at the date when the contract for sale was made, the price agreed to be paid for the land was inadequate. The learned Chief Justice said that, in view of these facts, an order should be made confirming the sale and authorising the Official Guardian to approve of the deeds on behalf of the infants—the share of the infants in the purchase-money to be paid into Court. The sale was approved on condition that the purchaser pay, by way of rent, interest at the legal rate from the date when she went into possession to the date when the purchase-money is paid over. As no application was made to the Official Guardian, the administrator should not be entitled to any commission nor to any costs in connection with the sale prior to the date when the application was made to the Official Guardian. No costs of this motion except to the Official Guardian; his costs fixed at \$15. W. Finlayson, for the purchaser. D. S. Storey, for Kathleen Weir. F. W. Harcourt, K.C., Official Guardian, for the infants.