

deed to Henderson himself, claiming that under his father, Duncan Campbell's will, he could not do so as that will prohibited a sale out of the family, but offered, however, in order to overcome this difficulty, to have the deed made out to Henderson's wife, who, as a member of his family, was eligible as a purchaser.

Henderson, at first, would not consent to this, but after "lots of talk" over the matter, Henderson finally agreed to have the deed made out to his wife. and it was so made.

This witness further stated that he understood that the whole 66 acres was bought for him in case he remained with his adopted parents, and that Ann Henderson, on her death-bed, expressly said so to him.

Not being able to get along with Henderson he left him, and now makes no claim to this land.

The will of the late Duncan Campbell was admitted in evidence. It showed that such conditions existed in it, but from the evidence of the witness Innocent Campbell, it would appear that this 33 acres was part of the land originally devised to Marshall Campbell and not subject to the condition in the will.

This same witness proved Peter Campbell's sole possession of this 33 acres for over forty years.

No question of title is, however, raised before me on the pleadings or evidence.

There will be a declaration that the heirs at law of the said late Ann Henderson hold the said thirty-three acres conveyed to her by Peter Campbell by deed bearing date the 16th day of November, A.D. 1880, in trust for Grace Lena Henderson, John T. Henderson and Ida Henderson, infant children of the said late Thomas Henderson.

And a finding, that the said three infant children are entitled to the whole sixty-six acres, each having one-third share or interest therein.

And it appearing that a sale thereof will be more beneficial to them than a partition, ordered that the 66 acres be sold by Master Longworth free, clear and discharged, from all incumbrances; and the Court determining that the dower interest therein of Florence Bassett, widow of the late Thomas Henderson, be sold, further ordered that said lands be sold, freed and discharged from her claim of dower therein.

Usual order for sale in other particulars.