

We the ratepayers of section 8, D'Escoûse, are agreed to purchase a house of residence for the Daughters of Jesus teaching in the section, in the name of the Episcopal Corporation of Antigonish, under these conditions:—

That the Daughters of Jesus will have charge of the maintenance, repairs and upkeep of the house, and that this house if the Religieuses should leave D'Escoûse, shall become the property of the section and that the trustees then holding office shall dispose of the house or sell it for the purpose of the school or for the benefit of the said section.

Signed by three ratepayers named by the meeting.

(Sgd.)   ANDREW LANDRY,  
          KENNETH DUNN,  
          ALBERT A. MARTELL."

The defendant's witnesses in effect deny that any resolution to this effect was adopted by the meeting, but, on the contrary, the determination of the meeting was that the house should be given outright and unconditionally to the Sisters, and that the document cited above was never signed by them, and is in effect a forgery. This version is supported by several witnesses, and Andrew Landry and Kenneth Dunn deny on oath their signatures to M. 5.

It is extremely unfortunate that Father Trenett, who could give very important evidence upon this point, is now located in Washington State on the Pacific, and his testimony is not before me. It is an unpleasant and delicate duty to decide upon conflicting evidence of this kind. But having regard to the fact that this document M. 5 came from the possession of Bishop Cameron in whose custody it properly was, and having regard to the reasonableness of the respective stories, the demeanour and character of the witnesses, I am compelled to find that the plaintiff's version of the facts is the true one. In spite of Landry and Dunn's specific denial of their signatures to M. 5, I have not the slightest doubt in comparing their signatures to this document with admitted signatures to other documents that they both signed the document as drawn up and typewritten by the priest.

We have, therefore, the \$626 handed over by the priest to Andrew Landry, one of the committee, in the presence and by the consent of the others charged with a certain trust in