

upon payment of their legacies out of the proceeds of sale nothing more would be coming to them. This transaction was attacked by the legatees on the ground that the sale was really to Mrs. Raycroft, who subsequently became the owner of the property, and that the putting forward of Mrs. Falinger was a mere subterfuge to disguise the real transaction. The learned Chancellor however found upon the evidence, as facts, that full value was obtained upon the sale of the land in question and that there was no scheme between the purchaser and the trustee for sale, whereby the latter should become the real owner, and that the beneficiary legatees who attack the transaction were parties to the conveyance to the purchaser, and on faith of their execution of that deed obtained the full amount of their specific legacies out of the proceeds. The view was expressed that if the plaintiffs had lodged their complaint soon after the transaction, the circumstances might have provoked some suspicion and have justified some method of investigation, but after a lapse of four years and after the sale of the property for \$10,000 by Mrs. Raycroft, suspicion is transferred to the motives of this litigation, as being an attempt to secure some share of the windfall arising from this sudden rise in value, which has taken place owing to the land being required for railway purposes. [Reference to *Re Postlethwaite*, 59 L.T.N.S. 59 which was reversed in 60 L.T.N.S. 517 by the Lords Justices; and to *Williams v. Scott*, [1900] A.C. 499, the latter case being however distinguishable from this on the facts.] The action to be dismissed with costs with a declaration that the money realized from the late sale and now paid into Court is the property of the defendant Mrs. Raycroft.

RAYCROFT v. COOK was another contest between the co-executrices, which was ordered to be tried with *Blaisdell v. Raycroft*. The executrix Mrs. Cook joined hands with her sisters and sought to have the sale of the property treated as a nullity and to have the \$10,000 which has been paid into Court as assets of the testator's estate. In that event \$1,800 of it would be set apart for the purchase of a house in which she would have an estate in remainder after the widow's death, and the balance would be divisible between the two residuary legatees. In the Chancellor's opinion the same reasons which apply against relief being given to the sisters are equally and even more forcible as to the co-executrix, as she was fully informed of what the transaction was, and was satisfied, and indeed actively intervened to procure the signatures of the two sisters. After the land came into the hands of Mrs. Raycroft she dealt with her in the appli-