

To my mind, there is every reason why the strictness with which the conduct of private trustees is watched by the Courts should apply in all its force to the action of municipal corporations in their dealings as trustees.

I do not think that *Robertson v. City of Toronto*, 1 O.W.N. 259 cited by the defendants, is conclusive upon this application, because in that case the learned Chief Justice was of opinion that the sale was not at an undervalue, but that it was a fair sale "just such a sale as a private owner would have made in the circumstances of the case."

Now, upon the material filed in this case, it does not appear that anything whatever was done by the corporation in the direction of inviting competition either by calling for tenders or by putting up at public auction or otherwise. They seem to have accepted the first offer made for the property.

If the material filed by the plaintiff is to be believed, the property is worth much more than the sum of \$100,000, for which the corporation agreed to sell it to the Royal Bank of Canada.

It is difficult for me to understand why a property having a frontage of 110 feet on the principal thoroughfare of the city, and a depth of 110 feet adjoining at the rear the marketplace, and being in the heart of a large and prosperous city, should not attract active bidding, if due diligence and business-like methods were applied in inviting competition.

It may be that at the trial the defendants will be able to establish by overwhelming evidence that the price agreed to be accepted is the full value of the property, and all that could, under any reasonable circumstances, be obtained for it.

In the meantime, I am of opinion that the plaintiff has established a *prima facie* case of an improvident and unbusinesslike sale, and therefore a *prima facie* case of breach of trust by the corporation, from which the plaintiff and other ratepayers would suffer substantial loss.

The injunction will, therefore, be continued until the trial, with costs in the cause unless otherwise disposed of by the trial Judge.