

The brother . . . after having received advances from his uncle to the extent of about \$800, ultimately—on the 4th September, 1899—conveyed to him his half interest in the Bay street property for a further advance of \$500. This transaction was never attacked during the lifetime of Thomas E. Snider, and there was probably nothing in any way unfair about it, as the Bay street property was not then regarded by any of the parties as of any great value. Thomas E. Snider died some years ago; and upon the pleadings the sister, claiming to be his sole next of kin, attacked the conveyance; but at the trial this attack . . . was abandoned.

At the time the uncle obtained the conveyance of the half interest in this property, there was erected upon it an old and dilapidated building, and the outgoings for repairs and taxes consumed the entire income. Mr. Snider came to Toronto to see if matters could not be put upon a more satisfactory footing. He consulted Mr. H. E. Irwin, and as the result of the consultation a letter was written by Mr. Irwin to the niece on the 9th May, 1900. After outlining the situation, Mr. Irwin proceeded:—

“It had, therefore, become clear that the only way to realise the most out of the property was by the erection of a warehouse building suitable for the locality, and your uncle, with great generosity, has had erected a substantial building, at a cost of about \$10,000. It has been leased for a term of ten years, at a rental which, after payment of insurance, will, I understand, yield about \$80 per month.

“You will further remember that your brother, Thomas Edward Snider, some time ago conveyed his interest in this property to your uncle, who, therefore, at the present time owns the building and a one-half interest in the land, while you are entitled to the other half interest in the land. . . .

“After carefully considering the matter with your uncle and Mr. Hillock, your uncle stated that it was his intention and desire that you should have the benefit of a one-half interest in the property as it now stands with the new building and all, as soon as the property could be put in satisfactory shape.

“I suggested and it was agreed by all three of us that the best way would be for you to make a conveyance at once of your interest in the land to your uncle. This will enable him to complete the lease and have everything with regard to the property finally settled. When this is done, the arrangement is, that Mr. Hillock will continue to look after the property, and will, as the rents are paid, transmit to you monthly one-half