

carrying out the contemplated scheme of federation, if what is contemplated proves to be invalid.

On the other hand, irreparable injury may result to the defendants, should the conditional subscriptions to the extent of \$130,000 made towards the funds of the college, be withdrawn, which would probably be the result should the injunction be continued.

The defendants are to facilitate the plaintiffs in proceeding to trial at the present non-jury sittings, and are to take short notice of trial.

The costs of the injunction motion to be costs in the cause unless the trial Judge otherwise orders.

FALCONBRIDGE, C.J.

SEPTEMBER 30TH, 1903.

WEEKLY COURT.

RE DONALDSON, GIBSON v. DONALDSON.

Executors and Administrators — Charging Administratrix with Loss to Estate—Chattels—Contract for Sale of Land—Statute of Frauds.

Appeal by defendant Henrietta Donaldson, administratrix, from Master's report in an administration matter.

W. H. Blake, K.C., for appellant.

I. F. Hellmuth, K.C., for plaintiff.

FALCONBRIDGE, C.J.—As to the \$25 charged for chattels (complained of in paragraph 10 of the notice of appeal), the Master did not err in charging that amount, the administratrix having sworn that Arthur Traver offered \$25 for the chattels in question.

As to the charge of \$1,025 and interest, on the ground of wilful neglect and default in the sale of the 80 acres to Arthur Traver, the Master's findings of fact are fully borne out by the evidence. Knowledge of what was going on by way of negotiation between Arthur Traver and proposed purchasers from him is traced to the administratrix before she had made any binding contract with him sufficient to have prevented her from carrying out the sale to a youth under 21, of little or no apparent means, and who was her own nephew. An executor is not bound to plead the Statute of Limitations, but no such liberty has been extended with reference to the Statute of Frauds: *Field v. White*, 29 Ch. D. 358.

Appeal dismissed with costs.