

would, by reason of this peculiar wording, be rendered well-nigh nugatory. At all events the vexing question would always be left open, where the sale of a future interest was mooted, whether the price proposed would be deemed by the Court to be an adequate consideration or not, and so transactions of the kind be greatly hampered. Accordingly we need not be surprised to find the English Courts holding that, notwithstanding the expression of the Act, the onus had not been thereby shifted, and fastening upon the words "unfair dealing" to warrant them in adhering to the old rule of decision.

If it were the case that all transactions of the nature of those in question were necessarily of an evil nature and reprehensible no great harm would be done by this view. But that is by no means the case.

As very aptly pointed out in the case of *Brenchley v. Higgins*, 83 L.R.N.S. (1901) 751, extremely meritorious instances of transactions of the kind frequently occur in families, and the rule in question has been found to operate very harshly in such cases. In the case of *Tyler v. Yates*, 11 Eq. 265; 6 Ch. 665, Lord Hatherley expresses his view of the English Act, and its *raison d'être* as follows:—"The legislature has not repealed the doctrine of this Court by which protection is thrown around unwary young men in the hands of unscrupulous persons ready to take advantage of their necessities. I conceive the reason why the law as to sale of reversions was altered to be that the doctrine of this Court had been carried to an extravagant length on that subject." See also *Aylesford v. Morris*, *supra*.

The latest English case in which this subject has been extensively dealt with is *Brenchley v. Higgins*, above referred to. The matter had been discussed at some length by Lord Selborne, L.C., in the earlier case of *Earl of Aylesford v. Morris*, 28 L.T. Rep. 541, L.R. 8 Ch. App. 484. In *Brenchley v. Higgins* the plaintiff, a man of thirty years of age, had sold £1,000 of a certain reversionary interest expectant on the death of his mother, a lady of seventy-two years of age, for £300. The case came before the Court of Appeal (Rigby, Williams, and Romer, L.JJ.,) on appeal from the Chancery Division and the judgments of the learned justices throw such a flood of light on the view taken by