

It is a pity that this small estate should be put to this expense, but there seems to be no other way out of the trouble which has been created by the course adopted.

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HON. MR. JUSTICE LENNOX.

JUNE 30TH, 1914.

COLE v. DESCHAMBAULT.

6 O. W. N. 673.

*Trust—Purchase of Crown Lands—Declaration of Trust in Respect of Share of Plaintiff's Assignor—Form of Judgment.*

LENNOX, J., settled a judgment pronounced by him (*ante* 348).

H. H. Dewart, K.C., and C. A. Sequin, for plaintiff.

W. C. McCarthy, for defendant.

HON. MR. JUSTICE LENNOX:—Let judgment be entered for the plaintiff in the terms of the prayer of the statement of claim, and for a reference to local Master at Ottawa to take an account and allow to the plaintiff one-fourth share of the net receipts and profits of the lumber and wood cut and converted by the defendant, and directing the defendant to convey to the plaintiff an undivided one-fourth share and interest in Petrie island upon payment of such sum, if any, as is found to be owing by the plaintiff to the defendant upon account of purchase-money after charging the defendant with one-fourth part of the receipts and profits aforesaid, and for payment of the balance, if any, owing by the defendant to the plaintiff upon the taking of the account, and for the costs of the action and reference.