

HON. SIR JOHN BOYD, C.:—I expressed my opinion upon the effect of all the evidence at the trial and found as facts that full value was obtained upon the sale of the land in question, and that there was no scheme between the purchaser and the trustee for sale, whereby the latter should become the real owner. And further than this that the beneficiary legatees who attack the transaction were parties to the conveyance by the purchaser and on faith of their execution of that deed obtained the full amount of their specific legacies out of the proceeds.

The pleadings allege that the plaintiffs improvidently joined in the said conveyance and that the consideration was fictitious. The proof failed, that this was so. The 11th paragraph of the statement of claim alleging that the plaintiffs acted without professional or other independent advice and were under the domination and influence of the trustee Jane Raycroft I found not to be substantial.

I did not give final judgment till I had time to look at and consider the cases cited and other authorities.

Briefly the facts of importance are that the testator gave all his estate real and personal to the defendants, his widow Jane Raycroft, and his daughter (by a former marriage) Florence Cook, to sell and dispose of and to apply the proceeds thus: To wife, defendant, \$2,000; to the defendant Florence, \$1,200; to the plaintiffs (daughters), Hattie and Laura, \$100 each, and also legacies of \$100 each to George, Minnie, and Alfred (his children). That is in all \$1,700 of pecuniary legacies, and from out of the residue a good comfortable house was to be purchased for the use of his wife during her life and after her death to become the property of her co-defendant at a cost not exceeding \$1,800.

An estate left after the expenditure of the said \$1,800, and after payment of debts and expenses was to be divided equally between his two daughters, the plaintiffs.

The sale of the chattels realized no more than sufficient to pay debts, and the only other asset was the land in question (a farm) the value of which at the testator's death was no more than \$4,800. To meet the legacies and the call for a house would require \$5,500, and there were besides other expenses of administration, not less than \$400.

The land was put up for auction at a reserved bid of \$5,000, and the highest bidder offered no more than \$4,800, and afterwards refused to carry out a purchase at that figure. After various efforts to sell, a daughter of the defendants