

The appeal to the Supreme Court of Ontario (First Appellate Division) was heard by HON. SIR WM. MEREDITH, C.J.O., HON. MR. JUSTICE MACLAREN, HON. MR. JUSTICE MAGEE and HON. MR. JUSTICE HODGINS.

HON. SIR WM. MEREDITH, C.J.O.:—Although the finding of the Chancellor in favour of the reality of the sale to Mrs. Farlinger of the testator's farm was vigorously attacked by counsel for the appellants, we see no reason for doubting the correctness of the finding which is amply supported by the evidence.

It is beyond doubt that the purchase price (\$4,800), was the full value of the farm, and that but for the decision of the Grand Trunk Railway Company of Canada to remove its terminals from Brockville to Prescott it would not be saleable for more at the present time.

The appellants joined in the conveyance to Mrs. Farlinger, and each of them testified that she understood that the purchaser was the executrix, Jane Raycroft, and was willing that she should become the purchaser.

If a finding upon the point were necessary to the determination of the case, I think that the proper conclusion upon the evidence is that each of them knew that the conveyance was being made to Mrs. Farlinger, but it may be that they understood that she was buying for her mother, Jane Raycroft.

In truth though the real purchaser was Mrs. Farlinger, she bought upon the understanding that \$4,000 of the purchase money was to be provided by her mother, and in consideration of this the mother was to be maintained on the farm during her lifetime by Mrs. Farlinger, who it was intended should remove with her husband from the United States, where they resided, to the farm, and that they and Mrs. Raycroft should live together upon it.

This feature of the transaction was not explained to the appellants, and it was urged that the sale could not therefore stand.

But the appellants in the first case who are the only persons interested in having the transaction set aside, admitted on cross-examination, that they were quite willing that Mrs. Raycroft should buy the farm for \$4,800, and it is clear that, accepting their statements, that when they ex-