

McPherson individually, and Mary McNichol, wife of the plaintiff, to have it declared that a pretended sale of the lands of the plaintiff, under an execution issued by the defendants the solicitors against the lands of the plaintiff, by the sheriff to the defendant G. G. McPherson, was unconscionable, invalid, and void as against the plaintiff, and an alleged resale or transfer to the defendant Mary McNichol unsubstantial, untenable, and void as against the plaintiff; and for possession and mesne profits; or, in the alternative, to have it declared that the defendants G. G. McPherson and Mary McNichol held the land in trust for the plaintiff, subject to the payment of the execution, if valid as an incumbrance or otherwise tenable against the plaintiff.

H. B. Morphy, Listowel, and J. M. Carthew, Listowel, for plaintiff.

J. C. Makins, Stratford, for defendants.

BOYD, C.:—No evidence has been given to support the allegation in the plaintiff's claim that the plaintiff reposed confidence in the defendants the solicitors respecting the land in question, or that the said solicitors intervened in any way to influence the action of the sheriff in taking proper steps to advertise and sell the interest of the plaintiff in the lands in question under the execution in his hands at the suit of the said defendants the solicitors. As far as the evidence shews, the sheriff took his own course in the execution of the writ, and at the appointed time sold the property seized to the defendant solicitor for the sum of \$70. There was an arrangement between the said solicitors and the other defendant, wife of plaintiff, that if they became purchasers they would allow her the benefit of the transaction, if she so desired, on paying or securing to them the full amount of their account for costs against the plaintiff. This is the only matter brought out in the evidence affecting the defendants in regard to the sale. Evidence was also given to shew that the sale price was far less than the real value of what was sold.

The history of the transaction is this. The defendant Mary McNichol sued the plaintiff for alimony several years ago, and the defendants the solicitors then acted for the