

have broken the Claimant down, which Lord Coleridge certainly did not. But no student of his forensic duels can doubt that he was a skilful handler of the foils. His speeches contained less 'grit and iron' than those of Cockburn; but he was unquestionably a more polished advocate; and so on through the whole gamut of forensic and judicial attributes. On one point Lord Coleridge's supremacy will not be challenged—he was the most eloquent speaker whom the Bar, in this century at least, has produced."

SUPREME COURT OF CANADA.

13th March, 1894.

Nova Scotia.]

MACK V. MACK.

Trustee—Administrator of estate—Release to, by widow and next of kin—Misrepresentation—Rescission of deed of release—Laches.

M., administrator of his brother's estate, obtained from the widow and next of kin of the testator a release of all their respective interests in the real and personal property of the deceased, representing to them that if the property was sold at auction it would be sacrificed, and the most could be made of it by his having full control. The testator died in 1871, and from that time until his own death in 1888 M. held the property as his own, and did nothing with it as executor either by passing accounts in the Probate Court or attempting to wind up the estate. During that period he wrote a number of letters to the testator's widow, in most of which he stated that he was acting for her benefit in regard to the property and would see that she lost nothing by his having it, and in 1881 he paid her \$1,000. Prior to this payment, it would appear from his letters that the widow had repented handing over the estate, and kept urging him to give her a statement of his dealings with the property, and early in 1881 he wrote that it would take two years more to enable him to know how the business stood, but no such statement was given, and after his death the widow brought an action against his executors asking for an account of the estate and M.'s dealing therewith and payment of her share, and to have the said