

Chancellor applied was passed for the very purpose of relieving executors and trustees, who perform very often a very thankless duty, and onerous at the same time, from the obligations under which they rested at law for breaches of trust.

I think that in this country that statute ought to be very liberally applied for the purpose of relieving an executor or other trustee who has acted in good faith and reasonably.

The learned Chancellor, upon a review of the facts in this case, has come to the conclusion that the trustee acted reasonably in relying upon the advice of Mr. McLean, a prominent citizen and professional man, residing in the city of St. Thomas. There was, at the time the investment was made, not the slightest reason to doubt that the security was an excellent one, from the revenue point of view as well as the substantial character of the investment itself.

The case of *Perrins v. Bellamy*, [1899] 1 Ch. 797, is a direct authority in support of the judgment of the learned Chancellor, unless this case can be distinguished upon the ground that Mr. McLean occupied the position of vendor of the stock, as well as that of solicitor for the executor, and I do not think that it can be so distinguished.

The executor was a farmer having probably very little knowledge of that kind of business, and I do not think it would be reasonable to say that he should have been aware that it was an improper or an unwise thing for him to take the advice, as I have said he did, of a prominent business man of high repute, simply because that man was the vendor of the stock.

I think the appeal must be dismissed.

We will follow what the Chancellor did as to the costs, and dismiss the appeal without costs.

MEREDITH, C.J., TEETZEL, J.                      FEBRUARY 10TH, 1905.

TRIAL.

RE WENTWORTH DOMINION ELECTION.

SEALEY v. SMITH.

SMITH v. SEALEY.

*Parliamentary Elections—Ballot Papers—Wrongful Numbering by Deputy Returning Officer—Numbers Leading to Identification of Voters—Rejection of Ballots—Voiding Election—Costs.*

A petition under the Dominion Controverted Elections Act.