

ridge; the transaction was closed on the 12th May, 1913, and the deed registered on the 15th of the same month.

Lying beside the lands purchased by Bell was a strip owned by Coleridge and others, including Dr. Smith, the Collector of Customs at Windsor. By arrangement a common plan of subdivision was made of the two properties, and the management of the whole subdivision was entrusted to Coleridge, who, though a dental surgeon by profession, had for years devoted himself to the real estate business in the Great West and later in the vicinity of Windsor. His great natural shrewdness abundantly manifested at the trial, had not, however, been attended with success, at least up to the time of his association with the plaintiff. His friend Dr. Smith, I think—notwithstanding his denial—was well aware of Coleridge's lack of financial resources.

The plaintiff, on the other hand, to the knowledge of Coleridge had, or could procure, capital. He had in fact advanced certain sums to Coleridge in connection with the land referred to; and on the 6th of May, 1913, Coleridge had in his hands funds belonging to the plaintiff in excess of the sum of \$100 which he on that day paid on a purchase of a farm at Sandwich West, known as the Pratt farm, containing 75 acres, at the price of \$400 an acre.

I think that previous to the 6th there had been some talk between Coleridge and Bell in regard to the purchase of this farm, and an understanding arrived at that if the farm were purchased by Bell, Coleridge would have an interest in it. The evidence, however, on the point is vague and contradictory. What seems certain is that on the 6th May Coleridge knew that Bell could be induced to purchase the Pratt farm at \$450 an acre.

The farm was owned at the time by a syndicate of Windsor gentlemen, one of whom, Mr. Kenning, a well-known and highly-respected solicitor, acted as trustee for the others. One Marcon, a real estate agent of Windsor, had the right to sell the property for \$400 an acre under an agreement or option which expired at 4.30 p.m. on the 6th May. His commission on a sale at the price mentioned was to be \$1,000—a sum which he was naturally anxious to earn. As the hour of 4.30 approached he met Dr. Smith, who had, as stated, been associated with Coleridge and Bell in the subdivision of the lands referred to. Smith brought Marcon to Coleridge. It was then arranged between the three that