

collect and get in all money due and owing to him, and all other his estate, and convert the same into money and stand possessed of the proceeds upon trust to pay debts, funeral and testamentary expenses and invest the residue thereof upon the trusts therein declared." After the date of the will the testator became possessed of the freehold house in question. It was put up for sale by the executrix, who, in the absence of the executor (the testator's heir-at-law) in India, had alone proved the will. The defendant purchased the property but refused to complete the purchase on the ground that the title was defective inasmuch as the will contained no power to sell this freehold property and that at all events the concurrence of the devisee (if any) or the heir-at-law should be procured. Wood, V.-C., said that he never had any doubt that the executrix had power to sell the house and he made a decree in favour of the plaintiff, holding that the words "and all other his estate" included this freehold property. See *Flux v. Best*, 31 L. T. N. S. 645; *Cooke v. Simpson*, 46 L. J. Ch. 463.

In all of these cases, and many others of the same kind can be found, it is clearly held that where a testator devises real estate to trustees upon certain trusts so as to vest the absolute interest in them and directs or authorizes a sale of the property, the trustees have the sole power to sell, to convey to the purchaser, to receive the purchase money and give a discharge for it. And if instead of thus devising the estate to the trustees, the testator gives such directions to his trustees as render a sale of the property necessary in order to carry out the directions, the trustees take the estate for that purpose and their conveyance to the purchaser is good. In none of the cases, so far as I have examined them, has the conveyance been executed by others than the trustees. In this present case the testator made special provision for grandchildren under age in case of the death of any of his children dying before him leaving children. If the defendant's contention can be sustained, had such a case happened, this property could never have been sold, as the minors could not have joined in the conveyance and without it the title would be imperfect. The testator's intentions as to his wife's maintenance would have thus been in a great measure frustrated. I have no doubt myself that the trustees' conveyance was quite sufficient to pass the title without the concurrence of any one except the widow to signify her consent to the sale.