

after the trial of the action, 5 O.W.N. 903, does not finally dispose of the action, but suggests a settlement. Counsel not having been able to agree upon a settlement, the learned Judge now gave judgment. He stated that the plaintiff did not propose to take out letters of administration, and did not ask to add parties or amend. The lasting improvements made upon the property would be about equal to the value of the timber taken off, and one should be set off against the other. At the time the defendant purchased, \$2,700 was a fair value for the property. The present actual value of the farm was \$3,000, and the defendant was chargeable with \$800 for rent, making a total to be accounted for of \$3,800. The plaintiff was now in a position to get in the two outstanding shares; and, having done this, she and the defendant would each have an undivided half interest in the farm and rent, or what was equal to an interest of \$1,900 each; and this action should be settled upon that basis. The costs of administration and of a judicial sale should be avoided. The judgment is as follows: (1) If the defendant, within 15 days, notifies the plaintiff or her solicitor that he is willing and prepared to pay the plaintiff \$1,900, upon the execution and delivery to him of a conveyance and assignment of all the estate, interest, and claim of all the heirs-at-law and next of kin of Isabella Gilchrist, afterwards Johnston, in the land in question and in and to their share of rent, and if, within 30 days after the giving of such notice, or such further time as a Judge may allow, the plaintiff executes and tenders, and, upon payment of \$1,900, delivers, to the defendant a conveyance and assignment as above, all intermediate conveyances to the plaintiff being first duly registered, or if the defendant neglects or refuses to avail himself of the provisions of this paragraph, the action will be dismissed without costs. (2) If the action is not disposed of under the provisions of paragraph (1), it will be dismissed with costs. (3) Steps hereafter taken by either party to bring about a settlement in pursuance of paragraph (1) will, if unsuccessful, be without prejudice to the right of appeal, and, so far as the Judge has power so to provide, without prejudice to the status of either party upon an appeal. G. A. Stiles, for the plaintiff. D. B. MacLennan, K.C., for the defendant.