

No 8369 Equity.

and expenses.

They all say that they ^{show} nothing of the proposed sale to Mr. & Mrs. Markle, until the paper was presented for their signatures.

Mr. Gray resided in Washington, and Miss Vivian was away from home also. Miss Vivian and Mrs. Jamison, both swear their father stated to them the Markle offer was the best that could be done, and that they induced by that and the other representation about the sharing of costs, and expenses, to give their consent to the private sale. There is really very little conflict between them and their father about this. The fact that these statements were made to them in order to induce them to sign bears out their contention that prior to that time they did not know of the proposed sixty dollar an acre sale.

All of them swear that if they had known of the Totten offer they would not have consented to a private sale.

His proposition was not withdrawn at the time, and has since been reduced to writing and filed in this cause, in which he offers twenty dollars per acre as a first bid if the property is offered at public sale. There is no question in my mind if I had been aware when the decree was passed, that these parties had not been fully informed of the Totten offer, I would not have passed the decree for such private sale.

It would not have been just or fair to them, as they had partially a one half interest in the property, to authorize a sixty dollar an acre, when I at that any time know a more advantageous sale could be made if the usual practice were observed, especially when they were kept in ignorance of it.

It is not only my duty to deal fairly with these people, but the obligation is mine to see that they are dealt fairly with by other people.

When Mr. Lamer took or sent the paper for their signatures, he should have informed them of Mr. Totten's desire to purchase the property, and that he would give more than sixty dollars an acre for it, but he failed to do so.

I presume he assumed because of his parental relation they would consent to anything he would do in the matter, but it turns out he was mistaken. I should be glad if I could conscientiously accommodate Mr. & Mrs. Markle, but a decree