In 1687, on a bill to be relieved against a conveyance, it appeared, that the plaintiff being entitled to an estate tail, after the death of his father, in lands which, if in possession, were worth, to be sold, about £800, did in 1671, for £30 paid and £20 per annum, secured to be paid to him during the lives of him and his father, absolutely convey his remainder in tail to the defendant's father and his heirs. The conveyance was set aside as being an unrighteous bargain in the beginning. *Nott* v. *Johnson*, 2 *Vern.* 27. In the year 1716, on a bill brought to set aside a sale of a remainder, the case appeared to be, that the plaintiff's father was a tenant for life, remainder to the plaintiff in tail, remainder over to a third person; that the plaintiff had married, and had a son. After which the plaintiff being about thirty years of age, and his son ten years old; and when the plaintiff's father was ancient and sickly and in declining life, the plaintiff sold his estate in remainder, which was worth £150, to the defendant for £1,050. The Chancellor decreed relief on the payment of principal, interest and full costs; upon the ground, that the amount paid for the
226 estate in remainder dependent upon so frail a *life was so entirely too low as to be evidence of an unconscionable bargain which was altogether unfit to be sustained. *Twisleton* v. *Griffith*, 1 *P. Will.* 310. In 1734, on a bill to be relieved from an assignment of a legacy, it appeared, that Andrew Mackean had, by his will, given a legacy of £500 to his nephew Martin, if he should survive the testator's wife Catharine, who, by the will, was to have the interest of the £500 for her life, as also the principal in case she should survive Martin. The nephew Martin was about twenty-four years of age; had led an extravagant life, and had been some time in Newgate. The widow Catharine was about sixty-four years old; but as to her health there was a variety of evidence. Martin sold his interest on this legacy of £500 to Cole; for which Cole stipulated to give £100 to be paid in £5 per annum, with a proviso, that if Martin survived the widow, then what should remain due of the £100, should be paid to him within a year after her death; but if he died in her life-time, then the £5 per annum to continue payable until the £100 should be fully paid. The price thus stipulated to be paid for the legacy, was held to be so much below its real value that the assignment of it would have been set aside as unreasonable, had it not been solemnly and repeatedly confirmed by Martin. *Cole* v. *Gibbons*, 3 *P. Will.* 290.

It is not unlawful for a remainderman or a reversioner to sell his estate. Such sales are only set aside because of some fraudulent conduct in the purchaser, or because of his having taken some undue advantage of the seller of such an interest. Among other circumstances, inadequacy of price, may, in all such cases, be taken into the consideration as evidence of fraud. But inadequacy of price can only be shewn by making an estimate of the