life was so entirely too low as to be evidence of an unconscionable bargain which was altogether unfit to be sustained. (*x*) 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 this 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*. (*y*)

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 then value of the life estate, and deducting that value from the then price of the inheritance, or the absolute or renewable estate. Some such proportional valuation must have been made in each of these cases, as well as in those which relate to the discharge of mortgages, or other incumbrances; yet there is nothing to be found in the reports of any of them, or in the reports of those which involve the apportionment of incumbrances, or in those which relate to the abatement of specific legacies or to the adjustment of the amount for which an annuitant is to be admitted as a creditor against the estate of a bankrupt or insolvent, before the year 1750, which alludes to any positive rule of apportionment, or that indicates the principles by which the court was governed in putting a present value upon a

(*x*) Twisleton *v.* Griffith, 1 P. Will. 310.—(*y*) Cole *v.* Gibbons, 3 P. Will. 290.