

In the case of *Allender vs. Riston*, 2 G. & J., 86, the Court of Appeals, in the most explicit terms, recognise the rule, that if there be no collusion, the bare act of sale of the assets "by the executor is a sufficient indemnity to the purchaser." No intimation is to be found any where or in any of the numerous cases in which the above principle has been decided, to the effect that the power of the executor to dispose of the personal estate of the testator terminates with the period allowed by law for settling the estate, and in the case of *Allender vs. Riston*, it is I think, very fairly to be inferred, that though the mortgage was executed eight years after the death of the intestate and six years after passing the account in the Orphans Court, it would have been considered a valid security in the hands of the mortgagee if it had appeared to have been executed by the administratrix in her representative character and no fraud or collusion had been shown. The question mainly discussed in that case, both at the bar and by the court, was, with reference to the power of an executor or administrator to dispose of the assets of the deceased in satisfaction of his own debt, and the court without absolutely deciding that question, held the disposition good, because it did not appear that the administratrix acted in her representative character, and the circumstances of the case were strong to show that the estate had been settled up, and that the property mortgaged fell to her share as distributee.

In the case we are now considering, there is no ground for imputing fraud or collusion with the executrix to the purchaser. In answer to interrogatories specially framed to extract the information from him, the defendant says, he purchased the boy *bona fide* and for a fair price as a slave for life, and that he dealt with the executrix as having full authority to sell for the life of the boy, and there is not to be found in the record, any admissible evidence to contradict the answer. I am therefore of opinion, that the defendant, Linstead, acquired a good title, and shall pass a decree dismissing the bill.

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A. RANDALL and B. T. B. WORTHINGTON, for Complainants.  
J. M. S. CAUSIN, for Defendants.