

THE CHANCELLOR, in a written judgment, set out the facts, and said that he had consulted with Britton, J., who was not dissatisfied with the verdict, and concurred in the disposition to be made of the present application.

The Chancellor had not considered the scope of Rule 523, because, in his opinion, the application failed entirely on the merits. The girl and the guilty person alone knew the real facts. The only ground which induced the Chancellor not to give effect to the ruling in *Rushton v. Grand Trunk R.W. Co.* (1903), 6 O.L.R. 425, during the argument, was that as to the written statement of dates; but that ground was completely displaced by the counter-affidavits. The girl appeared as a witness who discredited herself—she had no regard for the sanctity of an oath. In all such cases, the evidence of one who impeaches his own veracity is to be received with the most scrupulous jealousy: *Merchants Bank v. Monteith* (1885), 10 P.R. 467, 475.

If there is such a striking likeness between the child and the plaintiff Henry, that is a matter that cannot have been discovered since the trial; and no Court would open up a judgment on the ground that the child of a girl seduced resembled some one else than the defendant who had been found guilty. That is evidence of the most precarious kind. Though similar evidence was admitted by the Judge of first instance in *Bagot v. Bagot* (1878), 1 L.R. Ir. 308, and in some succession cases there referred to, the Court of Appeal in the *Bagot* case decided upon other grounds: *Bagot v. Bagot* (1879), 5 L.R. Ir. 72, 73.

Application dismissed with costs.

KELLY, J.

NOVEMBER 13TH, 1916.

LEFEVRE v. LE DUC.

Title to Land—Evidence—Lost Document—Unsatisfactory Evidence of Contents—Adverse Possession of Small Enclosed Portion of Land—Limitations Act—Payment of Taxes—Unenclosed Land—Recovery of Possession by Registered Owner.

Action to recover possession of 100 acres of land, parts of the easterly halves of lot 30 in the 3rd concession and lot 30 in the 4th concession of the township of Baxter.