

of the party of the first part"—and, therefore, the property was still vested in the grantor.

The statement that no estate in freehold can be created to commence in futuro is confined to attempts at such creation by common law conveyance: where, as here, the word "grant" is used, it has a wider significance and operation; and, even if no actual conveyance of the legal estate were effected, the conveyance would operate as a covenant to stand seised.

The learned Judge was of opinion, however, that the remainder expectant after the lives of Amanda and Joseph would be held, under the conveyance, by Boucher as trustee, and that the beneficial interest would be subject to a power of appointment to be exercised by Amanda by will; and that, when she sold and Joseph joined for the purpose of conveying his life-estate, the effect was to convey the whole beneficial interest in the estate to the purchaser: *Re Campbell Trusts* (1919), ante 23, and cases cited.

In this view, the vendor could now make a good title.

Had it been practicable, the learned Judge would have directed notice of this application to be given, under Rule 602; but there was no one to notify. No one could assert any title save as claiming through Amanda. She, having conveyed the property and received the price, would be estopped; those claiming under her would also be estopped; and so good title was made by estoppel.

Before the issue of the order, a formal notice of motion and an affidavit setting out the facts should be filed.

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MATTERS V. RYAN—LENNOX, J.—DEC. 9.

*Infant—Custody—Dispute as to Parentage—Trial of Issue—Evidence—Finding as to Birth of Child.*—An issue as to the custody of a child, directed to be tried. There was a dispute as to the parentage of the child, the plaintiff and the defendant each alleging that she was the mother. The issue was for the purpose of having the question of who was entitled to the custody determined. The issue was tried without a jury at an Ottawa sittings. LENNOX, J., in a written judgment, after stating the facts and circumstances and referring to the evidence adduced at the trial, found that Margaret Ryan, the defendant in the issue, was the mother of the child, and was entitled to retain the custody thereof, and directed judgment to be entered for the defendant accordingly, with costs of the motion upon which the order directing the trial of the issue was made, and of the issue and trial, to be paid by the plaintiff to the defendant. The defendant must not, however, remove the infant, or suffer the infant to be removed, beyond the juris-