

4. A contestant who is in possession of the property claimed should be permitted to point out defects in the claimant's *prima facie* title, before being called upon to prove his own title to the property.

Amour v. Smith, 380.

5. In 1866 *J G B* filed a petition for a certificate of title to a wild lot under a conveyance executed to him in 1860 by *P*, the patentee. This claim was contested by *S*, who claimed, through divers mesne conveyances, under a deed executed in 1835 in *P*'s name by an attorney. The good faith of the various grantees, through whom the contestant claimed, was not disputed; but the question of title turned on the genuineness of the power of attorney, and of a bond which purported to authorize the execution of the deed of 1835. The impeached instrument bore date in 1833, and *P* had done no act in respect of the land from that time until the petitioner induced him in 1860, for a small consideration, to execute the conveyance of that date. The evidence as to the instruments was conflicting, but the Court being satisfied on the whole that the impeached instruments were forgeries by the petitioner's father: *Held*, that the petitioner was entitled to his certificate.

Brouse v. Stayner, 553.

QUIETING TITLE.

On a petition to quiet the title to land, the genuineness of the documents on which the petitioner claimed title having been impeached, and the evidence being doubtful, the Court refused a certificate, without pronouncing absolutely upon the genuineness or spuriousness of the documents in question.

Graham v. Meneilly, 661.

RECTOR, LEASE BY.

By letters patent, dated in January, 1824, certain lands were granted to three parties, upon the trust, amongst others, to convey the same to the incumbent, whenever the Government should erect a parsonage or rectory in Kingston and duly appoint an incumbent thereto, such conveyance to be upon trusts similar to those thereinbefore expressed. In January, 1836, a rectory was created in Kingston. In May, 1837, the trusts for which the patent of 1824 had been issued, having been carried out, and one of the trustees named therein appointed rector, the other two joined in a conveyance to him as such rector, to hold to him and his successors, subject