

REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

P.E.I.]

DODS v. McDONALD.

[May 15.]

*Title to land—Conveyance of fee—Reservation of life estate
—Possession—Ejectment.*

In October, 1853, D. conveyed to his father and two sisters six acres of land for their lives or the life of the survivor. A few days later he conveyed a block of land to M. in fee, "saving and excepting" thereout six acres for the life of the grantor's father and sisters or that of the survivor, or until the marriage of the sisters, on the happening of said respective events the six acres to be and remain the property of M. his heirs and assigns under said deed. Three months later M. conveyed the block of land to R. M. in fee and when the life estate terminated in 1903 the latter brought ejectment against the heirs of the life tenants who claimed the six acres on the ground that the deed to M. contained no grant of the same and also because the life tenants had had adverse possession for more than twenty years.

Held, that as the evidence showed that the life tenants went into possession under R. M. the title of the latter could not be disputed and the statute would not begin to run until the life estate terminated.

Held, per Idington, J., that R. M. under his deed and that to his grantor had the reversion to the fee in the six acres after the life estate terminated.

The lease of the life estate was given to R. M. with the other title deeds on conveyance of the land to him, and on the trial it was received in evidence as an ancient document relating to the title and coming from proper custody. It was not executed by the lessees and no counterpart was proved to be in existence.

Held, that it was properly admitted in evidence.

Morson, K.C., and *DuVernet* (*McLeod*, K.C., with them), for appellants. *McLean*, K.C., and *Mathieson*, for respondents.