

the solicitor, in the very transaction, intended a fraud which would require the suppression of the knowledge of the material fact from the person with whom he was dealing, notice of such fact is not to be imputed to such person: *Rolland v. Harl*, L.R. 6 Ch. 678; *Cave v. Cave*, 15 Ch. D. 639, and *Thompson v. Cartwright*; 33 Beav. 178.

2. There was nothing on the face of the documents constituting Mrs. Stenning's claim of title to put a solicitor upon inquiry or to require him to probe more deeply into the transaction.

3. Following *Hunt v. Luck* (1902) Ch. 428, that the occupation of the land by a tenant affected Mrs. Stenning with constructive notice only of that tenant's rights, and not with notice of his lessor's title or rights.

4. Mrs. Stenning was entitled to be treated as a purchaser for value without notice, and, having the legal estate, her claims should prevail over the prior equity of the plaintiffs, but only to the extent of the amount (\$460) by which she had reduced her claim against Hastings, as there was no new or further consideration for the release to her by Hastings of the equity of redemption contained in the agreement of April, 1899.

5. That the action of MacArthur in assigning the tax sale certificate, and not afterwards inquiring what the trustee was doing with the property, could not be considered as negligence disentitling the plaintiff to relief: *Shropshire, etc., Co. v. The Queen*, L.R. 7 H.L. 507.

6. John R. MacArthur was entitled to redeem the land upon payment to Mrs. Stenning of the \$460 with interest, together with any money paid by her for taxes and interest thereon, and her costs of suit.

7. The defendant Hastings should be ordered to pay John R. MacArthur the amount so found due to Mrs. Stenning and the plaintiffs' costs of the action.

Reference to the Master.

Bradshaw and Affleck, for plaintiffs. *Wilson*, for Mrs. Stenning. *Potts*, for Hastings.

Perdue, J.]

[April 19.

IN RE KUNDSEN AND THE TOWN OF ST. BONIFACE.

Municipality—By-law of council to close street and sell land—Street shewn on registered plan but not taken over or improved by municipality—By-law passed for improper object—Approval of Lieutenant-Governor-in-Council—Effect of promulgation.

Application to quash by-law No. 257 of the town of St. Boniface closing "a certain street or blind alley" shewn on a regis-