

patentee having been dispossessed within the terms of the Statute, R. S. O. ch. 108, sec. 5. in 1853, more than twenty years before this suit was commenced, the action was barred by sec. 44 of that Act, notwithstanding the continuation until 1883 of the estate by the curtesy of plaintiffs' father. *Hicks v. Williams*, 228.

2. *Title by possession—Successive occupants—Absence of mesne conveyances.*—The fact of their being no conveyances between successive occupants of lands does not prevent a possessory title being acquired by virtue of their combined periods of possession, provided the possession has been of a continuous character against the true owner, and provided that the successive occupants claimed under each other in some sufficient way as in this case by virtue of a sale for value.

The Statute of Limitations speaks of possession without reference to conveyances. *Simmons v. Shipman*, 301.

3. *Entry by owner—Life lease to one of several in possession—Effect of.*—In 1860, D. M., the then owner of certain lands, conveyed to A., who in 1861 conveyed to N., through whom plaintiff claimed. D. M. continued in possession, and, at his request, his sister M. B. came and resided with him, and took charge of the house and their sister S. M., who was subject to fits, which to some degree affected her mind. In 1862, D. M. died, the two sisters remaining in possession, M. B. taking charge and control. In 1868, defendant, the sister's nephew, came to reside with them, M. B. giving him charge of the place, upon which he subsequently erected buildings. In 1875 N. went upon the land in assertion

of his title as owner, having previously threatened to bring ejectment, and was induced to execute a life lease in favor of M. B. and S. M., which was accepted by S. M., who executed the lease, but not by M. B., who refused to so: S. M., M. B., and defendant, still continuing to reside on the premises. M. B. died in 1879, and S. M. in 1886. The defendant continued to reside thereon. In 1887 the plaintiff brought ejectment against defendant, who claimed a title by possession.

Held, that N. having entered and taken possession, and placed S. M. in possession as his tenant under him, her possession was his and his successors in title; and therefore, plaintiff was entitled to recover. *Arnold v. Cummer*, 382.

MAGISTRATE.

Jurisdiction of a Police Magistrate who held a commission both for a county and a town.—See CANADA TEMPERANCE ACT, 1.

More than one Police Magistrate in a county.—See CANADA TEMPERANCE ACT, 2.

Jurisdiction of Stipendiary Magistrate.—See CANADA TEMPERANCE ACT, 5.

Appointment by Lieutenant-Governor.—See CONSTITUTIONAL LAW.

Interest of.—See JUSTICE OF THE PEACE.

MAINTENANCE.

Covering medical attendance and funeral expenses.—See WILL, 6.