

act of such gross carelessness that it might not unreasonably have been thought to preclude him from the benefit of the Registry Act. The Court of Appeal for Ontario held that the Tranouths were entitled to the benefit of the Statute of Limitation from the year 1895, and that they had acquired title by possession as against McVity; the Supreme Court of Canada affirmed this decision; but the Judicial Committee (Lord Loreburn, L.C., and Lords Macnaghten, Atkinson and Collins, and Sir A. Wilson) have now reversed that decision. The short ground on which their Lordships proceed is, that the conveyance to the Tranouths though liable to be defeated by a subsequent prior registered instrument, was, nevertheless, valid as between Sootheran and the Tranouths; the latter, consequently, were rightfully in possession and no action could be brought against them, and therefore the Statute of Limitations did not begin to run in their favour until the execution of the mortgage; therefore, as against the mortgagee, they could not set up their possession prior to the mortgage as an adverse possession under the Statute. If this be a sound position, then it seems to follow that if the Tranouths had been in actual occupation 50 years before the execution of the mortgage it would still have been open for Sootheran or someone claiming under him to execute a mortgage which would have the effect of gaining priority over the Tranouths' unregistered deed, and their possession would avail nothing, even though the mortgagee had actual notice of their prior 50 years' possession; a decision which involves such a ridiculous result, may be law, but it can hardly be said to have much common sense in it, and the case would seem to make it plain that some amendment in the Statute of Limitations or Registry Act is urgently needed.

ALGOMA—SALE FOR TAXES—TAX PURCHASER—R.S.O. c. 26, ss. 23, 29—TAX DEED—PRIOR REGISTRATION OF DEED FROM DEFALTING OWNER—R.S.O. 1887, c. 193, s. 184.

*McConnell v. Beatty* (1908) A.C. 82 was an appeal from the Court of Appeal for Ontario. The case arose out of a sale of mining land for arrears of taxes. At the time of the sale W. H. Beatty was the owner, and one Bull became the purchaser and obtained a certificate as purchaser; his tax deed was dated December 14, 1903, and he subsequently conveyed to McConnell, January 12, 1904; both these deeds were registered. After the