

before completing his purchase, satisfy himself by proper inquiries, that the mortgage was *bona fide*, and good against creditors.

Totten v. Douglas, 243.

[But see case on Appeal, *post* volume xviii., page 341.]

4. A mining lease for 99 years contained provisions enabling the lessor to demand, at his option, a royalty upon the proceeds of the mines, or \$4,000 in lieu of such royalty; the lessor had not exercised such option:

Held, that the lessee was a purchaser for value, and that a prior voluntary conveyance was void as against him.

Colin v. Elmer, 541.

See also "Fraudulent Conveyance," 1.
"Pleading," 7.

PURCHASE OF PART FROM MORTGAGOR.

See "Mortgage," &c., 5.

QUIETING TITLES ACT.

1. In a case of considerable suspicion as to the title of a petitioner under the Act for Quieting Titles, the Court stayed the certificate on the ground of the discovery of new evidence, though witnesses had been twice examined *viva voce*, and nearly a year had elapsed since the second examination; the applicants satisfactorily accounting for their not having adduced the new evidence at an earlier date.

Brouse v. Stayner, 1.

2. Where the question involved, on an application for a Certificate of Title, was the legal title to the property, and the proper determination of the question depended on the credibility of witnesses against, or in favor of, certain old documents which were impeached as forgeries, the Court directed an action of ejectment to be brought, in order that the question might be tried by a jury of the county where the principal witnesses resided.—*ib.*

3. An appeal from a decision of the referee under the Act for Quieting Titles may be to a single Judge.

Amour v. Smith, 380.