

PROVINCE OF LOWER }  
CANADA. } **IN APPEAL.**

18 Novembre 1836.

**BOWEN**

*Appellant,*

*vs.*

**AYER**

*Respondent.*

The law "quoties" was not received in Customary France, and the actual taking of possession was not necessary to insure to the purchaser the property he had acquired by deed of sale, as against another purchaser of the same property: and this is law in Lower Canada. La loi "quoties" n'était pas reçue en France dans les Pays Coutumiers, et la prise de possession n'y était pas nécessaire pour assurer à un acquéreur la propriété d'un héritage acquis par un contrat de vente, contre un autre acquéreur du même héritage: et c'est la règle de droit dans le Bas-Canada.

—oooo—

The facts are stated in the opinion of the court.

The members present were:—

The Chief Justice of the Province.

Honbles. W. Smith, J. Stewart, A. W. Cochran, and H. Heney.

Mr. Edward H. Bowen, and Messrs. Stuart and Black, counsel for Appellant.

Messrs. Dominique & Charles Mondelet, counsel for Respondent.

The judgment was delivered by the late C. J. Sewell, as follows:

This is an action of Revendication brought for the recovery of the Lot 44 in the second range and Lots 45 and 46 in the third range of the Township of Farnham.

These Lots were by Letters Patent granted by his Majesty to Heth Baldwin, on the 9th of September, 1805,—who on the 29th of September, 1806, by actes passed before Jones and Lee, notaries, sold and transferred the Lot No. 44 to the appellant, and the Lots