

to object to the form of the order, and it was contended on her behalf that it was erroneous, and instead of being a personal order for payment against her, it should have been framed in the form of a judgment as settled in *Scott v. Morley*, 20 Q.B.D. 120, but Stirling, J. considered the order was in proper form as it did not appear that she had committed a devastavit, and that on non-compliance with it she was liable to attachment, which he granted, but subsequently on an affidavit being produced that she had committed a devastavit in respect of the fund, and medical testimony being given that imprisonment would seriously endanger her life, the Court, upon the latter ground, directed all proceedings to be stayed.

REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

N.S.]

HANDLEY v. ARCHIBALD.

[Nov. 29, 1899.]

Partition of land—Tenants in common—Statute of limitations—Possession.

Under the Nova Scotia Statute of Limitations (R.S.N.S. 5 ser. c. 112) a possession of land in order to ripen into a title and oust the real owner must be uninterrupted during the whole statutory period. If abandoned at any time during such period the law will attribute it to the person having title.

Possession by a series of persons during the period will bar the title though some of such persons were not in privity with their predecessors.

Where one of two tenants in common had possession of the land as against his co-tenant, the bringing of an action of ejectment in their joint names and entry of judgment therein gave a fresh right of entry to both and interrupted the prescription accruing in favour of the tenant in possession.

Judgment of the Supreme Court of Nova Scotia (32 N.S. Rep. 1) affirmed. Appeal dismissed with costs.

Harrington, Q.C., for appellant. *Newcombe, Q.C.*, and *Kenney*, for respondent.