

1857. premises, and upon the continued receipt by himself of the rent of the premises for a considerable period after the assignment; there was also a payment made by the plaintiff to the defendant in 1841, of £8, or £8 10s., which the plaintiff says was a payment on account of the debt; while the defendant says it was upon an arrangement that the plaintiff should for a time continue to receive the rent.

Watson
v
Munro.

Judgment.

The bill is filed for the redemption of the premises; and alleges that the defendant has received rents and profits more than sufficient to satisfy the debt and the £25 and interest. Upon this bill the value of the premises can only be material as a piece of evidence, as tending to shew the great improbability of premises of large value being sold, or transferred absolutely, under the circumstances. The evidence of value is very conflicting; the land itself had probably increased a little, though but a little in value during the fifteen months that intervened between the purchase by the plaintiff and his transfer to the defendant; this would appear to be the case from sales made in 1840 and 1842. The improvements made by the plaintiff are variously estimated: at £250, by a brother of the plaintiff's; at £239, upon a recent survey of the premises, at the date of erection and independently of the improvements made by the defendant. The house is valued at £100 only, by a person who himself put up houses somewhat similar the following year; other improvements, a well, and the fencing are not valued separately. The house was built on posts, a stone cellar was put under it about ten years ago by the defendant. At that time the sills were decayed, and the mason who built the cellar deposes that he and the carpenter employed upon that occasion, agreed in the remark that the house was not worth what they were doing to it. In the opinion of Mr. Bell, who has freehold property on the same street, the premises in question were not worth more than £215 in 1840: he was not aware, however, of what was the frontage of the lot. £215 was about the price