

*Notice requiring - Dissolution.*—  
See RAILWAYS AND RAILWAY COMPANIES, 3.

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See ASSESSMENT AND TAXES.—  
IMPROVEMENTS.—SALE OF LAND.

### LANDLORD AND TENANT.

*Lateral support—Action by tenant.*—See BUILDINGS.

*Setting aside lease.*—See FRAUD AND MISREPRESENTATION, 3.

### LATERAL SUPPORT.

See BUILDINGS.

### LETTERS.

*Contract by.*—See SALE OF GOODS.

### LIEN.

See MECHANICS' LIEN.

### LIFE ESTATE.

See DOWER.

### LIMITATIONS, STATUTE OF.

*Mortgagor and mortgagee — Acknowledgment — Insolvent Act of 1864 — Possession of husband and wife.*—H., being seized of land subject to a mortgage to L., dated 14th October, 1863, and to one M., dated 12th January, 1864, made an assign-

ment to W. on 22nd November, 1866, under the Insolvent Act of 1864. On 28th January, 1868, he obtained his discharge. On 27th 1869, he obtained from M. an assignment of M.'s mortgage; and on 3rd May, 1869, he made a conveyance under the power of sale of this mortgage to F. H. to the use of his, the grantor's wife, his co-defendant, the consideration mentioned being \$250, which was credited on the mortgage.

On 12th April, 1869, L. assigned his mortgage to M and B., who, on 28th March, 1873, assigned it to W. In 1879 H., having procured assignments to himself of most of the claims against his insolvent estate, presented a petition signed by himself to compel W. to wind it up. He alleged that M. & B. held the L. mortgage in trust for the estate, and asked to have the estate realized and distributed among the creditors. A sale was accordingly had on 20th April, 1880, of all the right, title, and interest of the insolvent in the land; and the advertisement further stated that the purchaser would acquire only such title as the vendor had as assignee. H. attended at the sale, and objected to the sale of the land, and bid for the same; but the plaintiff became the purchaser, and took a conveyance from W. on 4th February, 1881. Most of the purchase money went to H. as assignee, for the claims against his estate. H. and his wife had remained in undisturbed possession since his discharge in insolvency.

*Held,* reversing the decision of Osler, J., that upon the evidence set out in the case, the possession of H. and his wife must be considered to have been the possession of H.: That the title of the first mortgagee was not