Held, receivable under the Witnesses and Evidence Act, R.S.N.S. (1900) c. 163.

Plaintiff's title being established,

Held, that he was entitled to the order for possession and for mesne profits as claimed, but that defendant, in the absence of evidence to the contrary was entitled to be recouped expenditures upon the property, alleged to have been made under authority of the owner, but that as the only evidence in support of his claim was his own, it should be received with caution.

McMillan, for plaintiff. *Archibald*, for defendant.

Longley, J.] LAFFIN *v.* ELLSWORTH. [May 7.

Trespass—Evidence of possession—Admissions—Entry.

Where the deed from a man in possession of land to another is clearly established the disposition of the court is to be satisfied with very slight evidence of possession.

It appeared that defendants, sons of the grantor, up to within a year or two before action fenced up to the line of the land in dispute, which had been conveyed by their father to the parties under whom plaintiffs claimed, leaving the latter land outside of their holding and unfenced. Also that both verbally and in writing they had made admissions inconsistent with ownership of the land in dispute.

Held, 1. Distinguishing the case from *Cunard* v. *Irvine*, 2 N.S.R. 31, that in the absence of evidence of adverse possession by defendants, the lot in dispute having been unfenced and unoccupied since the date of the deed under which plaintiffs claimed, plaintiffs were entitled to recover.

2. Drawing the attention of one of the defendants to a violation of a right of way reserved in the deed and the denial of his right to interfere with the terms of the deed or to interfere with the enjoyment of plaintiffs' possession of the lot could be regarded as an entry.

Carroll, for plaintiff. *Cameron*, for defendant.

Longley, J.] [May 7.

ST. MARY'S BENEVOLENT SOCIETY *v.* ALBEE.

Landlord and tenant—Construction of lease—Provision as to payment of taxes.

Plaintiff under its act of incorporation was entitled to exemption from taxation in respect of all parts of its building used