to George should make no difference in the standing of the parties. Certainly not as to John. If he knew that he was attempting to convey what belonged to Archibald, it was wrong, and, as the evidence discloses that George knew of Archibald's claim, he is not, in my opinion, in any better position than John. After the conveyance to George, George assuming ownership—particularly of the more valuable part where the house is—he began to encroach more and more upon Archibald's part.

The difficult thing now, upon the evidence, is to say how much, if any, and what particular part of Archibald's land north of the highway and south of the railway, has been since the 26th April, 1895, and before the commencement of this action, in the exclusive visible possession of George.

Now there are five small fields—20½ acres in all— four fields of 4½ acres each cleared and fenced in, and one field of 2½ acres under cultivation. These improvements, such as can be particularly pointed out as made for the use of George in his possession, have been, or may have been, made within the last ten years prior to George's death. In my opinion, the defendant has not satisfied the onus of establishing that George had the possession required by law for the whole statutory period so as to bar the plaintiff's title.

See Ryan v. Ryan, 5 S.C.R. 487; Doe dem. Perry v. Henderson, 3 U.C.R. 486; Heward v. Donoghue, 19 S.C.R. 341; Wood v. Le Blanc, 34 S.C.R. 627.

Judgment will be for the plaintiff for the land and for possession and with costs.

There may be a declaration that the land in question was not owned by George McMillan at the time of his death.

SUTHERLAND, J., IN CHAMBERS. JULY 11TH, 1911.

RE HOLLIS.

Infants—Past Maintenance—Claim of Relative upon Estate of Infants—Discretion.

Application by Emma Preston for an order authorising payment to her out of the estate of certain infants of a sum for their past maintenance.

F. E. Hodgins, K.C., for the applicant.
F. W. Harcourt, K.C., for the infants.