

as all tools, instru-
ments, shall be in
the risk of the party
Held, That as
bona fide pur-
chaser was fraudulent
of registration.
v. Gzowski, 555.

FANCE.

ASIDE.)

ident in England
certain lands in
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by a person re-
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lands, represent-
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time. In con-
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twenty-one years,
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of quit-claim of
vely, taking from
convey in case it
ards that he was
session. It was
is in possession
ter represented,
al farmers, with
and buildings.
f the misrepres-
the lessee, the
ants who had
filed a bill to

COSTS.

set aside the transactions, and the
court held them entitled to the relief
prayed for, and that they were not
improperly joined as plaintiffs.

Baby v. Cavanagh, 378.

(IMPEACHED AFTER FIFTY YEARS.)

A person against whom an action
of ejectment was brought, filed a bill
to restrain the action, alleging as a
ground that the deed, under which
the plaintiff in the ejectment claimed,
was a forgery. The deed was dated
about fifty years before the bill was
filed, and all the persons who had
witnessed the deed, four in number,
were dead before the validity of the
deed was impeached in any way. The
court, under the circumstances, re-
fused the relief prayed, and dismissed
the bill with costs.

Fick v. McMichael, 646.

COSTS.

1. Where defendants had set up in
their answer several grounds of de-
fence on which much evidence was
gone into, and the court, without going
into these defences, dismissed the
plaintiffs' bill on a ground not argued
at the bar, and which might have been
taken by demurrer to the bill, it was
—*Held (Esten, V. C., dissentiente)*,
that the defendants were notwith-
standing, upon the authorities, entitled
to the whole costs of their defence.

Simpson v. Grant, 267.

2. In answer to a bill for the re-
demption of a mortgage alleging the
existence of usury in the original
transaction, the mortgagee set up
several defences which were decided
against him, the court, in decreeing
redemption, ordered the plaintiff to
pay such costs as would have been
incurred in a common redemption
suit, and the defendant to pay the
costs of the issues found against him.

Isherwood v. Dixon, 314.

3. A party in possession of land

DISTRIBUTION.

under an agreement in the nature of
a Welch mortgage having refused to
give any statement of rents received,
or information as to the amount due,
a bill was filed by the mortgagor for
an account. Notwithstanding that on
taking the account between the parties
a balance was found to be still due to
the defendant, the court ordered him
to pay the costs of the suit.

Morrison v. Nevins, 577.

CROWN.

1. This Court has no jurisdiction
to set aside a grant of land made by
the Crown upon a deliberate view of
all the circumstances of a case, and
in the absense of fraud or mistake.

Simpson v. Grant, 267.

2. This Court cannot enforce
against the Crown specific perform-
ance of an order in Council. *Id.*

3. An order in council was made
after the passing of the statute 7 Wm.
IV., ch. 118, and before 4 & 5 Vic.,
ch. 100, appropriating land to certain
religious purposes. *Held*, that under
the 27th section of the latter statute
the Governor in council had power to
revoke such appropriation. *Id.*

4. The 3rd section of the latter
statute, giving authority to the Go-
vernor in council to adjudge upon
claims to free grants of land under
any order in council then in force, ap-
plies to located lands on which im-
provements have been made as well
as other lands. *Id.*

DISTRIBUTION.

A testator placed his two sons in
possession of certain portions of his
real estate, intending to convey or
devise the same to them, but during
his lifetime retained the full control of
the property; notwithstanding this,
the sons made valuable improvements
upon their respective portions. Upon
a bill filed after the decease of the