

VENDOR AND PURCHASER—CONTRACT—TITLE—ABSTRACT SHOWING OUSTER OF TRUE OWNER IN 1874—POSSESSORY TITLE—TITLE FORCED ON PURCHASER.

*In re Atkinson & Horsell* (1912) 1 Ch. 2 was an application under the Vendors and Purchasers Act. By the contract it was agreed that the abstract of title was to commence with a general devise in the will of a testator who died in 1842, and whose seisin was to be presumed. The vendor in fact derived title from a person who had in 1874 ousted the true owner, under a mutual mistake as to the effect of the will, the person ousted being under no disability. Possession had since been held under the title so acquired for 37 years. The fact that the title was possessory was not realized at the date of the contract. In these circumstances Eady, J., held that a good title had been shewn which could be forced on the purchaser. On the part of the purchaser it was claimed that a title dependent on the Statute of Limitations could not be forced on a purchaser, but the learned Judge held that position was untenable.

SOLICITOR—COSTS—CHARGING ORDER—PROPERTY RECOVERED OR PRESERVED—SOLICITORS ACT, 1860 (23-24 VICT. c. 127), s. 28—(R.S.O. c. 324, s. 21).

*In re Cockrell's Estate* (1912) 1 Ch. 23. In this case the Court of Appeal (Cozens-Hardy, M.R., and Moulton, and Farwell, L.J.J.) has affirmed the decision of Neville, J. (1911), 2 Ch. 318 (noted ante, vol. 47, p. 694), agreeing with him that the granting of a charging order is a matter of discretion, and that the discretion had been rightly exercised in refusing the order, inasmuch as it appeared that the costs in respect of which it was claimed had already been in effect liquidated by being ordered to be set off against a debt due by the client to the estate in question.

WILL—SPECIFIC LEGACY—DEFINITE NUMBER OF SHARES BELONGING TO TESTATOR AT DATE OF WILL—SUBSEQUENT SUB-DIVISION OF SHARES—WILL SPEAKING FROM DEATH—CONTRARY INTENTION—ADEMPTION—WILLS ACT, 1837 (1 VICT. c. 26), s. 24—(10 EDW. VII. c. 57 (ONT.), s. 27 (1)).

*In re Clifford, Mallam v. McFie* (1912) 1 Ch. 29. A testator by will dated in 1909, bequeathed "23 of the shares belonging to me in the London and County Banking Co." At that time