

1862.
 Henderson
 v.
 Graves.

purchasers having had a prior or better equity than the plaintiff, the court—varying the decree of the court below in this respect—directed that they should not be disturbed although they got in the legal estate with constructive notice of the opposing claim; [ESTEN, V. C., dissenting;] and also varied the decree as to the other purchasers, by directing that under the circumstances the account of rents and profits against them should be limited to commence from the filing of the bill, and that they should be allowed the fair value of all substantial repairs and permanent improvements made by them prior to that date.—[ESTEN, V. C., *dubitante*]

The doctrine of constructive notice, and the defence of purchase for value, as applicable to this country, commented upon.

This was an 'appeal from the decree of the Court of Chancery, as reported in the sixth volume of the reports of that court, at page 306, by the defendants in the cause, who assigned as reasons for such appeal :

1. Because Captain *Adam Graves*, the respondent's ancestor, did not die seised of the said lands, or any of them.

Statement. 2. Because the respondent never had any estate or interest in the said lands, which could in any way entitle him to institute or maintain a suit in the Court of Chancery in respect thereof.

3. Because Messrs. *Smith & Henderson* were never retained or instructed by, or on behalf of the respondent.

4. Because the title acquired by *Henry Smith*, and conveyed by him to *James Graves*, was a title wholly independent of the respondent, and not purchased with his money.

5. Because no title or interest in the said lands passed to the said *Henry Smith*, by the said deed from *T. H. Bridge*, inasmuch as all the estate and interest of the said *T. H. Bridge* in the said lands, had, before the date and execution of that deed, passed to the said *T. H. Bridge's* assignee in bankruptcy, under the statutes in that behalf.

6. Because as to the appellants, the *Clarks* and others,