

1853.

Matthews
v.
Holmes.

"That after the said second day of September, one thousand eight hundred and forty, and before the said bankruptcy of the said *Alfred T. Jones*, the said *Edward Matthews* became possessed of the legal estate in certain premises in the said town of London, being the west part of lot seventeen on the north side of Dundas street in the said town, on which said premises there was erected at the time he, the said *Edward Matthews*, became possessed as aforesaid, a building, consisting of a shop and dwelling house, the property of him, the said *Alfred T. Jones*, as he, the said *Edward Matthews*, when he so became possessed, well knew; and for a time after he, the said *Edward Matthews*, became possessed of the said premises he, the said *Alfred T. Jones*, remained in possession of the said house and shop as of his own property, and he, the said *Edward Matthews*, about the same time made various repairs on the same at the request of, and being employed by, the said *Alfred T. Jones*, and charged the said *Alfred T. Jones* for such repairs, and fully admitted the said *Alfred T. Jones* to be the owner of the said house and shop, although he, the said *Edward Matthews*, had become possessed of all the land on which it stood; but afterwards the said *Edward Matthews*, as owner of the said land on which were erected the said house and shop, ejected the said *Alfred T. Jones* from the said house and shop, and took the same himself, and he, and those under him, have ever since been in possession of the same, and received the rents and profits thereof, and claimed and held the same as their own, and the said house and shop are held and claimed as her own by the defendant hereto as holding or claiming under the said *Edward Matthews*, and the said house and shop are worth more than the said sum of eighty-five pounds and interest thereon; and your orator believes, and the said *Alfred T. Jones* believes, that there is in fact nothing now due on the security of the said premises so assigned to the said *Edward Matthews* as aforesaid by the said *Alfred T. Jones*.

Statement.

"That the said *Edward Matthews* has since the said assignment departed this life, leaving a will, whereby he devised all his real estate, and all his interest in real estate, to *Catherine Matthews*, the defendant hereinafter named, whom he also by his said will appointed