

1862. upon the letter of his mother, who never was his agent
 Henderson for any thing that is shewn, was, that she had no objec-
 V. tion to their proceeding as they pleased to dispossess the
 Graves. squatters, provided it was well understood that they were
 not to make her liable on any pretence for the costs of
 what they might choose to do.

No information in regard to the title was given by her
 or by any one else. She either did not know that the
 property had been parted with fifty years before, or if
 she did know it, she improperly concealed it.

As to the fact which is clearly proved that Mr. *Smith*
 took the release of *Bridges'* right as he now avows, and
 as he told *Bridge* himself, not for his own benefit, but
 for the benefit of the heir of *Graves*, that should, I quite
 agree, be decisive in favour of the prayer of this bill so
 far as a decree could be properly made against *Smith &*
Judgment. Henderson, that is, so far, I mean, as regards the interest
 which they retain in any portions of the land, but for the
 circumstance which is positively sworn to by them, and
 is not disproved, that when they took the quit claim deed
 from *Bridge's* heir they did take it for the benefit of
Adam Graves' heir; and that when they conveyed to
James Graves in 1850, it was because they believed then
 that he was the heir, as a court of justice had in effect
 determined.

I do not consider that the evidence warrants us in hold-
 ing that in this respect Messrs. *Smith & Henderson* have
 sworn falsely; and unless they have, they were not
 guilty of a breach of any confidence that had been reposed
 in them either expressly or by implication.

In addition to all this, the present plaintiff, we now
 see, according to his own statement in his bill, stands in
 the place of the heir of one who had fifty years before
 parted with the estate in question, and had therefore no
 interest that could by possibility be injured by the

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