

# IN APPEAL. 1847.

THOMAS WILLIAM LLOYD,

(Adjudicataire and Petitioner in the Court below.)

Appellant,

and

JOHN GREAVES CLAPHAM,

(Defendant in the Court below,)

Respondent.

Held that an adjudicataire who has purchased a farm, together with buildings at Sheriff's sale, cannot claim a reduction of price, because such buildings are not upon the premises: he ought to demand the nullity of the sale. (1).

## EXTRACT OF THE CASE OF THE APPELLANT.

In this case, wherein Alexander Carlisle Buchanan was Plaintiff in the Court below, and the said John Greaves Clapham, Defendant, the immoveable property of the Respondent was taken in execution, and on the 10th day of November 1845 was sold by the Sheriff of this District. Among others the following lots were adjudged, the 1st (no 14) to the Appellant for the sum of £400, and the 2nd (no. 15) to John G. Clapham, junior, the son of the Respondent, for £65. These lots are described as follows:

1st. Lot number 14. "The north-west side of lot number twelve, the whole of lots numbers thirteen and fourteen, on which said lot number thirteen there is a mill site called the Falls of Inverness, and the north west half of lot number fifteen in the eleventh range of the Township of Inverness, in the County of Megantic, in the district of Quebec, together with all such houses, barns, stables and other buildings and

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(1) This decision seems to be at variance with the jurisprudence of this country and the citations referred to in this report.