

Chan.]

NOTES OF CASES.

[Ch. Chan.]

Spragge, C.]

[Feb. 15.]

GREENSHIELDS v. BRADFORD.

*Statute of limitations—Care-taker—Pleading—Purchase for value.*

B. entered into possession of a small portion of a lot of land which was in a state of nature, and upon the agent of the owner discovering him to be so in possession, he having fenced and cultivated the same, suffered B. to remain in such possession, and B. agreed to look after the property in order to protect the timber and B. subsequently sold his interest to T. On a bill filed by the owners,

The Court, [SPRAGGE, C.], held that under the circumstances the statute of limitations did run in favor of B. so as to give him a title by possession, and that T. was not entitled to the benefit of the defence of "purchase for value without notice," he having omitted to allege that B. was seised; that T. believed he was seised; that B. was in possession and that the consideration for the transfer by B. to himself had been paid.

Spragge C.]

[Feb. 15.]

LARIO V. WALKER.

*Conveyance in fee—Repugnant limitations—Pleading—Demurrer.*

The grantor conveyed certain lands to the grantee, his heirs and assigns, and by a proviso at the concluding part of the deed declared, "nevertheless, that the above L. shall have no right to sell, alien, or dispose in any way whatsoever of the above mentioned premises, but have only the use during his life-time, after which his children will have full right to the said property above mentioned."

Held, on demurrer that such proviso was repugnant to the grant and *habendum* in fee and therefore void.

The bill stated that the plaintiff was grandson of L. who had died intestate.

Held, that this sufficiently stated the title of the plaintiff.

Boyd, Q.C., for plaintiff.

Caswell, contra.

CHANCERY CHAMBERS.

HUGHES v. HUGHES.

Referee.]

Proudfoot, V. C.]

[Feb. 14.]

*Examination proceeding pending before Court—Filing bond—G. O. 268.*

A surety in an appeal bond may be examined on his affidavit of justification before a special examiner under G. O. 268, the filing of such bond being a "proceeding" before the Court within the terms of that order.

Donovan, for appellant.

G. Morphy, contra.

Spragge C.]

[Feb. 15.]

LONDON V. EVERITT.

*Foreclosure—Infants—Day to show cause.*

A final order of foreclosure should reserve a day for infant defendants to show cause. The Court (SPRAGGE C.) declined to change this practice, but for the sake of putting an end to litigation and to the evil of leaving estates tied up for perhaps many years, expressed an opinion that it would be well for the practice to be altered.

Arnoldi, for plaintiff.

Plumb, contra.

MASTER'S OFFICE.

The Master.]

[Jan. 24.]

MOORE v. BOYD.

*Examination of a co-defendant adverse in interest—Construction of G. O. 138.*

A defendant whose interest is identical with that of the plaintiff is a party adverse in interest to her co-defendant, and may be examined by such co-defendant under G. O. 138. Where the plaintiff's solicitor is present at such examination it may be read at the hearing against the plaintiff.

G. H. Watson, for plaintiff.

Moffatt, for defendant.