

1856.

FICK V. McMICHAEL.

Deed impeached after 50 years.

June 10th. A person against whom an action of ejectment was brought, filed a
1856, and bill to restrain the action, alleging as a ground that the deed, under
January 19, which the plaintiff in the ejectment claimed, was a forgery. The
1857. deed was dated about fifty years before the bill was filed, and all
the persons who had witnessed the deed, four in number, were dead
before the validity of the deed was impeached in any way.
The court, under the circumstances, refused the relief prayed, and
dismissed the bill with costs.

The bill in this case was filed by *Mackentyre Fick*
Statement. against *William McMichael, Cornelius Dedrick, Lucus*
Dedrick, and William Anderson, and under the circum-
stances set forth in the judgment, prayed specific
performance of the agreement of sale set forth in the
bill, and an injunction to restrain the defendants from
felling timber or committing waste upon the premises in
question.

Mr. *R. Cooper* for plaintiff.

Mr. *McMichael* for defendants.

The judgment of the court was delivered by

SPRAGGE, V. C.—The plaintiff claims as purchaser
of 53 acres, part of lot 13, in the front concession of
Walsingham, from *William McMichael*, eldest son and
heir-at-law of *Edward McMichael*, under a contract of
purchase of the 10th of January, 1839. The lot, of
which the above is a part, consists in all of 380 acres,
and the defendants claim different portions of it through
one *John McKay*, and in support of their claim they
produce a conveyance of the whole lot from the late
Edward McMichael to *McKay*, dated the 22nd of June,
1803; and a conveyance of the same premises also to
McKay from the above *William McMichael*, dated the
12th of September, 1806. The former conveyance is
impeached, on the ground that at its date *Edward*
McMichael was dead, having died on the twentieth day