

The plaintiff took a mortgage upon two township lots. Afterwards he commenced foreclosure proceedings, and when the action was in the Master's office applied to the registrar for the necessary abstract to show subsequent incumbrances. Since he took his mortgage, however, the property had been subdivided by various plans duly registered into a great number of lots.

Held, that in preparing the abstract required the registrar was entitled only to charge, first, for the general search, \$2 on each lot mentioned in the mortgage; second, for the abstract, 25c. for the first hundred words, and 15c. for each additional hundred words, as provided for in subsections 2 and 4 of s. 95 of the Registry Act, R.S.O., c. 114; and that he was not entitled to charge, as he proposed to do, firstly, \$2 for each general search on the two lots in the mortgage, and also 25c. per lot for each of the lots or subdivisions upon the various plans, besides 25c. for writing the first folio and 15c. for each subsequent folio of writing in the abstract. R.S.O., c. 114, s. 95, s-s. 2, does not authorize such a system of charge in such cases as this.

Laidlaw, Q.C., for the plaintiff.

Wood for the registrar.

BOYD, C.]

[Feb. 3.]

RE LESLIE.

Redemption decree—Delay in proceeding—Laches—Quieting title.

In an application under the Quieting Titles Act by a purchaser from a mortgagee who, with the petitioner, had been in possession of the mortgaged premises for over thirty years, it was shown that a decree for redemption had been granted at the suit of the mortgagor in September, 1871, but that no further proceedings had ever been taken thereunder.

Held, that after such delay it was too late to take any proceedings thereunder, and that such decree should be no obstacle to the petitioner obtaining a certificate, and a certificate was granted.

H. H. Robertson for the petitioner.

MEREDITH, J.]

[Feb. 9.]

ARCHER ?^r. URQUHART ET AL.

Conveyance by deed—Habendum—Estate—Fee tail—Tenant by the curtesy.

A father conveyed lands to his daughter by deed with *habendum*: "To have and to hold the same unto . . . and the heirs of her body lawfully begotten, to and for their sole and only use for ever . . . to and for the sole and separate use and benefit of (grantee), for and during the term of her natural life, and after her death then to the heirs of her body lawfully begotten for ever. Provided always, however, that it shall and may be lawful for (grantee) to direct and appoint, either by deed or her last will and testament, which or in what manner her said heirs shall have the lands and premises hereby granted, should circumstances at any time render it necessary, of which circumstances she shall and may be sole judge."