

Province of Quebec, in the like form, or in the like order of time in which it is brought here. The case of *The Buenos Ayres and Ensenada Port R. W. Co. v. The Northern R. W. Co. of Buenos Ayres*, L. R. 2 Q. B. 210, D., has some relation to this part of the case.

I may say that the articles 415 and 419 in the *Code Civile*, referred to by the Court of the Province of Quebec, will have full effect given to them in that Province, when the plaintiff takes proceedings to recover the possession of the land, or to disturb the defendant in his occupation. They have no application at present in the action before us.

Something was said of the defendant being a *bona fide* possessor, and therefore not liable to account for the profits of the land during the term of his occupancy, according to the law of Quebec.

We have not that properly before us. If it were intended that matter should have been considered, it should have been specially referred to the Court of Quebec with the other questions.

So far as we can see what it is in our law, it being an equitable rule only, I may refer to *Dormer v. Fortescue*, 3 Atk. 124, where it is said, "Where a man shall be said to be *bona fide* possessed is where the person possessing is ignorant of all the facts and circumstances relating to his adversary's title, which could not be here as Fortescue had all the deeds and the very settlement on which the title depends." See also *Hicks v. Sallitt*, 3 DeG. M. & G. 782, 813, 18 Jur. 915, and *The Lord Advocate v. Drysdale*, L. R. 2 Sc. App. 368.

According to article 412 of the *Code Civile* "A possessor is in good faith when he possesses in virtue of a title the defects of which as well as the happening of the resolutive cause which puts an end to it are unknown to him. Such good faith ceases only from the moment that these defects or the resolutive cause are made known to him by proceedings at law." See also article 411.

I very much doubt whether the defendant could establish an occupancy in good faith according either to the *Code*