Held also, that evidence of such prior Canadian patent to an independent inventor was admissible under a general denial that the plaintiff was the first inventor.

Blake, V. C.] [Jan. 4.

Dilk v. Douglas.

Mortgages—Fraudulent transaction.

C. created two mortgages in favour of M. B. and her two sisters to secure repayment of moneys advanced by them. C. subsequently sold the lands comprised in these mortgages to different parties, and after the death of the two sisters, procured M. B. alone to execute discharges of these mortgages, conveying to her other lands by way of security, which, however, were wholly insufficient in amount. After the the death of M. B. the personal representative of herself and her sisters filed a bill, seeking to charge the lands embraced in the original mortgages, with the amount remaining due on these securities, and the Court, under the circumstances, made a decree for payment of shares which should have been coming to the two sisters, with costs.

Proudfoot, V.C.] [Jan. 6.

Attorney-General v. O'Rielly.

Escheat—Jurisdiction—Demurrer.

Held, on demurrer (1), that the doctrine of escheats applies to lands held in Ontario; (2), that the Attorney-General of Ontario is the proper party to represent the Crown, and to appropriate the escheat to the uses of the Province; (3), that this Court has jurisdiction in such cases; and (4), that it was proper for the Attorney-General, if he saw fit, to file a bill in this Court to enforce the escheat.

Proudfoot, V.C.] [Jan. 6.

Rees v. Fraser.

Legacy to infant—Loco parentis—Residue—Next of kin—Maintenance.

A testator bequeathed $4,000 to his grandson, payable on his attaining 21, and in case of his death before that period, the amount was to revert to the residuary estate, and it had been decided (25 Chan. R. 253) that in the events that had happened the grandson was absolutely entitled to one-half of the residuary estate, the income of which was amply sufficient for his maintenance.

Held, that although the testator had been *in loco parentis* to the infant, the infant was not entitled to claim interest on the legacy for his maintenance; but that being entitled to one-half of the residue as next of kin, and there being a *quasi* intestacy as to the interest on the legacy, one-half of it should be paid into Court to the credit of the infant; the legacy itself to be paid into Court upon the trusts of the will.

Proudfoot, V.C.] [Jan. 6.

Emerson v. Canniffe.

Executors—Contribution—Lapse of time.

After the distribution of the personal estate, and the allotment to the devisees of the real estate of a testator, an action was brought against the executors on a covenant of the testator, in which a judgment was recovered, the amount of which the executors paid out of their own money. Twenty-seven years afterwards, and after the greater number of the devisees had died, and all but one had sold their property to *bonâ fide* purchasers without notice, the executors instituted proceedings in this Court against the heirs of that one, to compel them to recoup the executors. The Court, under the circumstances, refused to make a decree for more than a proportionate share of the demand, leaving the executors to litigate the question with the parties liable to contribute to the payment of the debt, as owing to their delay in suing, the obstacles in the way of the defendants recovering were quite as great as they were to the plaintiffs enforcing the claim.

Proudfoot, V. C.] [Jan. 6.

Johnson v. School Trustees.

Public School Trustees—Selection of School site—Tenant of lands selected.

In proceeding to select a site for a public school-house, no notice was given to a lessee