thereon of $600. The jury found the buildings to be only worth $450.

Held, that the value of the buildings was a fact material to be made known to the defendants, and there being a misrepresentation of such fact, the insurance was avoided.

Smythe (Kingston), for the plaintiff.

J. K. Kerr, Q.C., for the defendants.

Ryan v. Ryan.

Statute of limitations—Possession as caretaker or agent—Subsequent entry of owner—evidence.

The plaintiff's father, who lived in the Township of Tecumseth, owned a block of 200 acres of land, consisting respectively of Lot 1 in the 13th and 14th concessions of the Township of Wellesley. In 1848, the father having offered plaintiff his choice of 100 acres of the block if he would live thereon and take care of the rest of the block, the plaintiff selected the south half of Lot 1 in the 13th concession, and lived thereon taking care of the rest of the block. In November, 1864, he sold his 100 acres, and in December following, having to give up possession to the purchaser, moved on to the north half of this Lot 1, where he has resided ever since. In January, 1877, the father died, having by his will devised the north half of this north half to the defendant, another son, and the south half of the same north half to the plaintiff. The defendant, claiming this south of the north half under the devise to him, entered upon it, whereupon the plaintiff brought trespass, claiming that he had acquired the title thereto by possession. At the trial the learned judge found that plaintiff entered into possession and so continued merely as his father's caretaker or agent, and he entered a verdict for the defendant. He also remarked, without finding thereon, on evidence given of an entry on the land by defendant as his father's agent within the last seven years, whereby it was contended that a new starting point for the statute had been created.

On motion to enter the verdict for the plaintiff.

Per Wilson, C. J.—The evidence showed that plaintiff was in possession, claiming adversely to and not as his father's caretaker or agent, and that the subsequent entry was not proved.

Per Galt, J.—The evidence established the subsequent entry; and *semble* plaintiff's possession was merely as caretaker or agent.

The court being equally divided, the rule dropped, and the verdict stood, but the rule was directed to be discharged to enable the case to be appealed if allowed.

Ward Bowlby (Berlin) for the plaintiff.

McCarthy, Q. C., and *King* (Berlin) for the defendant.

VACATION COURT.

March 14.

Stone v. Knapp.

Husband and wife—Action for deceit—Plea of coverture—Sufficiency of.

A declaration charged that the defendant, the wife of Solomon Knapp, by falsely and fraudulently representing to the plaintiff that she was authorized by her husband to order certain goods for the wedding outfit of his daughter Charlotte, and to pledge his credit therefor, induced the plaintiff to furnish the goods and charge the same to the husband; that in fact she had no such authority, and the husband being sued therefor denied his liability; and after verdict and judgment of the County Court for the plaintiff, the judgment was finally entered for the husband by the court of appeal. The plaintiff claimed as damages the value of his goods and his costs.

Plea—That the defendant during all that time was and is wife of Solomon Knapp.

Held, on demurrer, plea good.

Bethune, Q. C., for the plaintiff.

H. J. Scott for the defendant.

CANADA REPORTS.

ONTARIO.

COURT OF APPEAL.

(Reported for the Law Journal *by* F. Lefroy, *Barrister.*

Goyeau v. Great Western R'y. Co.

Practice—Appeal to Supreme Court—Time—38 Vict. ch. 11, secs. 25, 26, 28.

Where the 30 days allowed for appealing from the Court of Appeal by 38 Vict. ch. 11, sec. 25,