

which should form a quorum. They fixed three, but at a meeting at which only two were present they authorized the secretary to affix the seal to the mortgage in question, which was accordingly done by him in the presence of the same two directors. The Court of Appeal (Lord Halsbury, Lindley and Smith, L.JJ.) held that the deed was valid notwithstanding the irregularity, and distinguished the case where, as here, the quorum depended on the regulations of the directors themselves, and the case where, as in *D'Arcy v. Tamar*, L.R. 2 Ex. 158, the quorum was fixed by statute. The other point in the case was whether the colliery business passed by the deed which conveyed the lands, mines, seams of coal, and other premises comprised in certain leases, but did not expressly specify the business of the colliery. The plaintiffs claimed to be entitled as mortgagees of the business and applied for the appointment of a receiver and manager thereof, which North, J., refused, considering the case was similar to *Whitley v. Challis*, (1892) 1 Ch. 64 (noted *ante* vol. 28, p. 167); but the Court of Appeal was of opinion that there was an implied transfer of the business, without which the transfer of the seams of coal would be useless, and that the plaintiffs were therefore entitled to a receiver and manager.

LIMITATIONS, STATUTE OF—DISPOSSESSION—ACTS OF OWNERSHIP—REAL PROPERTY
LIMITATION ACTS, 1833, 1874 (3 & 4 W. 4, c. 27, s. 3; 37 & 38 VICT., c. 57,
s. 1)—(R.S.O., c. 111, s. 4).

In *Marshall v. Taylor*, (1895) 1 Ch. 641, we find discussed a somewhat interesting point arising on the Statute of Limitations. The question was as to the ownership of a strip of land which had formerly been a ditch, and which for the purposes of the judgment was assumed by the Court originally to have belonged to the plaintiff's predecessors in title. In 1868 drain pipes were laid along the ditch by one of the plaintiff's predecessors, into which he allowed the drainage of his own and the defendant's house to run, and the ditch was then filled up. From that time the surface of the ditch was used by the defendant and his predecessors in title as part of the garden of defendant's house, part of the surface being paved with cobblestones and part with cinders, and part as rose garden and fowl house. The plaintiff claimed that notwithstanding the apparent possession of the defendant, he and his predecessors had from time to time