

RE WILSON AND HOLLAND—LENNOX, J.—JAN. 13.

*Vendor and Purchaser—Contract for Sale of Land—Requisitions as to Title—Application under Vendors and Purchasers Act—Costs.*]—Application by a vendor, under the Vendors and Purchasers Act, for a declaration that he had shewn a good title as against the requisitions made by the purchaser. The learned Judge said that upon the argument the only requisitions to which the purchaser's counsel appeared to attach importance were numbers 2 and 8. As to 8, nothing was said beyond the fact that it was not abandoned. As to mortgages 2589 and 3085, there mentioned, it would appear to be proper that discharges of these should be obtained. The same was to be said as to number 3959, unless the title to the mortgage vested in Claude McLaughlin and merged in the fee under No. 18962. No explanation was given, so that this was a mere surmise suggested by the abstract. As to numbers 4002 and 18124, the vendor's answer (to 3 and 8) seemed to be sufficient. Requisition number 9 was not spoken of at all, but, if it had not been disposed of, the vendor's answer to it should be verified. Counsel for the purchaser said that he had not seen the evidence as to number 5; and as to it no declaration could be made. All questions as to the other requisitions, except as to the possible title of Alexander Christie, had been satisfactorily met. Having regard to the length of time which had elapsed, the character of the property, and the nature of the occupation, requisition No. 2 was sufficiently answered, and the title should be accepted as to this. There was nothing vague or indefinite in Lamb's affidavit. The 4th paragraph of the vendor's affidavit should be read as saying that he purchased "on the 30th day of December, A.D. 1813," with Shaver. This did not shew what this date should be. This affidavit should be amended; and, when the title is accepted and the transaction about to be closed, the purchaser should be at liberty to take the affidavits off the files—giving a receipt therefor—as vouchers for his title. The vendor to pay the costs of this application. H. D. McCormick, for the vendor. A. W. Greene, for the purchaser.