

In a case between

JAMES BLACK,

APPELLANT,

&

CHARLES GRAY STEWART,

RESPONDENT.

THE APPELLANT'S CASE.

THIS was an hypothecary action brought by the Appellant, as Curator to the vacant estate of the late Honor Jordan, otherwise called Honor Dunn, against the Respondent as *détenteur* of a house and lot of ground in the Upper Town of Quebec, for the recovery of a sum of five hundred pounds with interest, for which the said house and lot of ground were mortgaged.

The declaration states that the mortgage was created by a judgment rendered in His Majesty's Court of King's Bench for the District of Quebec, in favor of the said Honor Jordan against one William Harris, who at the time of the rendering of the judgment was proprietor of the said house and lot of ground.

To this action the Respondent pleaded the prescription of ten years *entre présents*.

The evidence in the case is principally written evidence.

It appears from it

That the judgment in question was rendered on the twentieth day of April, on thousand eight hundred and two.

That on the first day of May following William Harris's attorney sold the lot of ground and premises mentioned in the declaration to one Janet Brydon.

That on the twenty-fourth day of January, one thousand eight hundred and eleven, Janet Brydon transferred the said house and lot to the present Respondent.

That some time previous to the said last mentioned transfer, to wit, on the twenty-eighth day of January, one thousand eight hundred and nine, Honor Jordan departed this life at Quebec, without leaving any heirs in this Province.

That the present Appellant was appointed Curator to her vacant Estate, on the twenty-fourth day of May, one thousand eight hundred and sixteen.

Upon the above facts, an abstract question of Law arises.