

Handbook of the law of real property, (Hornbook series)



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1914 Excerpt: ...the circumstances were such as to cause a reasonably See Minor & Wurts, Real Prop. 575. And see, In general, Equitable Estates, and Estoppel, elsewhere In this volume. The decided preponderance of authority, says Chief Justice refers In Knapp v. Bailey, 70 Me. 105, 0 Atl. 122, 1 Am. St. Rep. 295, supports the position tlint the statutory Actual notice is a conclusion of fact capable of being established by all grades of legitimate evidence. And see Bailey v. Galpln, 40 Minn. 310, 41 N. W. 1054; Clatlln v. Lenheim, 60 N. Y. 301, 306. i Eaton, Equity, p. 125. ii Brink man v. Jones, 44 Wis. 498. See, also, Maupin v. Emmons, 47 Mo. 304; Anthony v. Wheeler, 130 111. 128, 22 N. E. 494, 17 Am. St Rep. 2SL i Eaton, Equity, p. 127. i See Sterry v. Ardeu, 1 Johns. Ch. (N. Y.) 261. 20 See Eaton, Equity, p. 127. 21 Fetter, Eq. 81. See, however, Lamb v. Pierce, 113 Mass. 72. 22 Lamb v. Pierce, 113 Mass. 72; White v. Foster, 102 Mass. 375; Sibley v. Leffingwell, 8 Allen (Mass.) 584; Michigan Mut..Life Ins. Co. v. Conant, 40 Mich. 5.50; Vest v. Michie, 31 Grat (Va.) 149, 31 Am. Rep. 722; Vaughn v. Tracy, 22 Mo. 415; Speck v. Riggin, 40 Mo. 405. prudent man to make inquiry. The notice, however, must afford sufficient information to make a reasonable inquiry on, and not merely to put him on inquiry. For instance, a mere rumor is not notice.⁸⁵ A purchaser, however, who is put on inquiry, must make a reasonable investigation of the title,² and he cannot rely on statements of his grantor, or one who is interested in concealing the prior incumbrance.²⁷ He is presumed to have notice of facts which due inquiry would have shown him.²⁸ The burden of proof,

however, is on the one who seeks to establish the exis...

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