

CROMPTON v. MORGAN—SUTHERLAND, J.—JULY 9.

*Deed—Rectification—Omission of one Lot in Description of Lands Conveyed by Trustee—Inadvertence or Error—Conveyance of Omitted Lot to Innocent Purchaser—Action to Set aside Conveyance—Costs.*—Action for the rectification of a deed of conveyance of five lots of land in the township of Woodhouse, from which deed, the plaintiffs alleged, “by inadvertence or error” lot 12 was omitted, and to set aside a deed executed by the defendant Morgan, as trustee of the estate of Andrew Thompson, deceased, conveying lot 12 to the defendant Leaney. The action was tried without a jury at Simcoe. SUTHERLAND, J., in a written judgment, said, after stating the facts, that the action failed, on the ground that no proof of actual knowledge of or notice to the defendant Leaney, or collusion on his part with the defendant Morgan, had been proved. The action should, therefore, be dismissed, but, in the circumstances, without costs. H. P. Innes, for the plaintiffs. J. Cowan, K.C., for the defendant Morgan. T. J. Agar, for the defendant Leaney.

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CORRECTION.

In PARRY v. PARRY, ante 365, for “the plaintiff,” where those words first occur in the 10th line from the bottom of the page, read “them.”