

VILLAGE OF COLBORNE v. GIROUX—SUTHERLAND, J.—JULY 9.

Interim Injunction—Order to Continue.]—Motion to continue an interim injunction restraining the defendant from doing work on Division street in the village of Colborne. Injunction continued until the trial. Grayson Smith, for the plaintiffs. G. F. Macdonnell, for the defendant.

RE CASCI AND HILL—SUTHERLAND, J., IN CHAMBERS—JULY 11.

Land Titles Act—Registration—Construction of Deed—Division Line—Intention of Parties.]—Appeal by F. W. Casci from a decision of the Master of Titles, under the Land Titles Act, allowing the objection of William H. Hill to the registration of the appellant as owner of the westerly 30 feet of part of lot 8 in the first concession from the bay, in the township of York. The question upon the appeal was whether the Master was justified in construing the deed in question so as to give effect to what he found to be the intention of the parties when it was made. Held, that the Master properly found that the division line intended when the deed was made was what was then the recognized division line between the properties of Ann M. Hill and Levi Ashbridge. The conduct of the appellant subsequent to his deed shewed the property he understood he was buying. He put his west fence along this boundary and went into possession of his property. It is proper—if that can reasonably be done—to give a construction to the deed in accordance with the intention of the parties; and that is what the Master did. Appeal dismissed with costs. K. F. Mackenzie, for the appellant. S. W. McKeown and J. W. McCullough, for the respondent.

STEWART v. DICKSON—SUTHERLAND, J.—JULY 11.

Contract — Setting aside — Misrepresentations.]—Action by four brothers, three of them farmers and one a medical student, to set aside an agreement in writing, dated the 5th March, 1909, between them and the defendant, a financial agent, and for incidental relief. The plaintiffs, under a prior agreement, had contracted to purchase a large tract of land in Saskatchewan from a Battleford company for \$103,950, and had paid \$26,000 on account