

While the relationship of the parties, the great kindness of the defendant to the intestate, and the personal sacrifices she made in serving her, in addition to the services performed, would probably have furnished good ground for supporting a settlement at a sum as large as the amount awarded, I cannot, in the absence of agreement, judicially add to the value of the defendant's services any sum as compensation for personal sacrifices or disappointed hopes, even if I were able to find, as the referee suggests, that the defendant was the only person with whom the deceased would have been content; but, with very great respect, I do not think the evidence warrants any such conclusion.

I award the defendant the following sums, which are, to my mind, very liberal compensation for the services rendered, namely: for the 20 weeks from 10th February, 1903, to 1st July, 1903, at \$20 per week, \$400; for the 19 weeks and 3 days from 20th December, 1905, to 6th May, 1906, at \$20 per week, \$390; for all the balance of the period, 120 weeks, at \$10 per week, \$1,200: total \$1,990.

The report will be amended accordingly. Costs of the appeal to be costs in the cause.

MACMAHON, J.

NOVEMBER 16TH, 1907.

TRIAL.

KILGOUR v. TOWN OF PORT ARTHUR.

Crown—Letters Patent Demising Crown Land—Derogation from Previous Grant—Description—Bed of River—Cancellation of Crown Lease.

Action for cancellation of a Crown patent for land and for other relief.

Hamilton Cassels, K.C., for plaintiff.

C. A. Moss, for defendants.

MACMAHON, J.:—On 10th March, 1870, the Crown granted to George D. Ferrier all that parcel or tract of land