

proposition is needed, it will be found in *Rowley v. London and North Western R.W. Co.* (1873), L.R. 8 Ex. 221, 226.

For these reasons, we are of opinion that the judgment is right, except as to the computation of the damages. The pecuniary loss to the children, on the hypothesis on which the Chancellor proceeded, was not the sum of the allowance for five years, but the present value of the five yearly payments, which, capitalizing them at five per cent. per annum, amounts to \$1,428.73.

The judgment should, therefore, be varied by reducing the damages to that sum, and, with that variation, should be affirmed and the appeal be dismissed.

As success is divided, there will be no costs of the appeal to either party.

NOVEMBER 3RD, 1913.

*BARTLET v. DELANEY.

Crown—License of Occupation of Lands Covered by Water—Fisheries—Lands Included in Prior Grant—Description—Island in Navigable River—Area of Lands Granted—Adjacent Marshes—Ambiguous Description—Evidence to Identify Subject of Grant—Admissibility—“Channel,” Meaning of—Boundary—Channel-bank—Misrepresentation by Licensee—Suppression of Material Facts—Fraud—Presumption—1 Geo. V. ch. 6—Cancellation of License—Parties—Attorney-General.

Appeals by the defendants from the judgment of LATCHFORD, J., 27 O.L.R. 594, 4 O.W.N. 577.

The appeals were heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and HODGINS, J.J.A.

McGregor Young, K.C., for the defendant Gauthier, appellant.

I. F. Hellmuth, K.C., for the original defendants, appellants.
E. D. Armour, K.C., and A. R. Bartlet, for the plaintiff.

The judgment of the Court was delivered by HODGINS, J.A., who, after setting out the facts, referred to *Barthel v. Scotten*,

*To be reported in the Ontario Law Reports.