

The learned Judge was of opinion that the specification of quantity added nothing to the deed, and in no way controlled or affected the definite description by lot, locality, and concession.

Reference to *Stone v. Corporation of Yeovil* (1876), 1 C.P.D. 691, 701.

Having reference to the subject-matter, no sensible meaning could be attached to the additional words—they were repugnant to an already unmistakable description. The deed must be construed not only according to the ordinary grammatical meaning of the language used, but also with reference to the subject-matter: *Thames and Mersey Marine Insurance Co. v. Hamilton Fraser & Co.* (1887), 12 App. Cas. 484; *Lion Mutual Marine Association v. Tucker* (1883), 12 Q.B.D. 176; *Watson v. Toronto Harbour Commissioners* (1918), 42 O.L.R. 65; and other cases.

As a matter of interpretation, the learned Judge was clearly of opinion that the secondary description contained in the deed, "containing 100 acres more or less," must be rejected as *falsa demonstratio*, and the deed must be read as if those words were not there.

The learned Judge considered with great care the evidence bearing on the intention of the grantor and generally on the merits, and found the facts against the contentions of the defendants.

Judgment declaring that the plaintiff intended to convey only the part of lot 4 in the 2nd concession, and that no part of the lot in the 3rd concession was conveyed or passed, and for payment by the plaintiff of the infants' costs, fixed at \$100, with the right to the Official Guardian, if he prefers it, of a taxation on a solicitor and client basis, and for payment by the defendant George T. Crow to the plaintiff of the plaintiff's costs of the action, including costs occasioned by joining the infants, but not the costs payable to the Official Guardian.

CLUTE, J., IN CHAMBERS.

APRIL 7TH, 1919.

REX v. POWNELL.

REX v. POWNELL, LEDUC, AND TOWNS.

Ontario Temperance Act—Magistrate's Convictions for Offences against sec. 41—Having Intoxicating Liquor in Place other than Private Dwelling-house—Evidence.

Motions by the defendants to quash convictions by a magistrate for offences against sec. 41 of the Ontario Temperance Act, the charges against the defendants being that they had intoxi-