

As to the Survey, we beg to call attention to the fact that Surveys against unpatented lands can be registered in the Registry Office as can be given priority - See also 2nd Edition p 25 - The Case of Wallace & Moore 12 Grants N.E. Reg Reports 296 And the Consolidated Statutes of Upper Canada Ch. 30 s. 24

There is ground to the Comyns from Defer to his wife, we submit that it being only an equitable estate might be granted by husband to wife, without the intervention of a trustee - It is clear ^{that} by intervention of a trustee in such case granted even a legal estate to his wife - It is submitted too that the Ontario Act 35 Geo Ch. 16 (Statutes 1871-2 p 35) Sec. 1 - enables the wife to take directly from her husband -

We submit also that Defer's action in executing the assignment from his wife to Defer Ducklston was sufficient to remove the apparent infirmity of his Comyns direct to his wife - And we very respectfully submit that his equity and good conscience the Indian Department should be satisfied to his good the assignment from Defer to his wife and from her to Ducklston. Satisfied as it was that he lawfully by Defer executing the assignment made by the wife, so as to uphold the Survey from Calcroft to Ducklston and the Comyns to Winnowanade Adenore.

We think on perusal of the papers it will appear, that getting assignment from Defer to Defer was a scheme of Calcroft to defeat his Survey to Ducklston.

(Contd. over)