any possession of the land in question by the plaintiff sufficient to confer a title under the Statute of Limitations.

Judgment of the Chancery Division affirmed.

H. Symons for the appellant.

Moss, Q.C., for the respondent.

From Chy.D.] [May 13.

MACDONELL *v.* BLAKE.

Law Society—Bencher—"Retired Judge"—R. S. O. (1877), ch. 138, sec. 4—R.S.O. (1887), ch. 145, sec. 4.

A judge of a Superior Court of the Province of Ontario, who, after his voluntary resignation of his office, before he has become entitled to a retiring allowance, has been accepted, resumes the active practice of his profession, is a "retired judge" within the meaning of R.S.O. (1877), ch. 138, sec. 4, and as such is an ex-officio bencher of the Law Society of Upper Canada.

Judgement of the Chancery Division, 17 O.R., 104, affirmed, BURTON, J.A., dissenting.

J. Reeve for the appellant.

H. Cassells for the respondent, Blake.

A. H. Marsh and *Walter Read* for the respondents, The Law Society.

From Chy.D.] [May 13.

LEMAY *v.* CANADIAN PACIFIC R. W. CO.

Railways—Master and servant—Negligence—Any person injured—51 Vic., ch. 29 sec. 262, sub-sec. 3 (D).

A servant of a railway company is a "person" within the meaning of 51 Vic., ch. 29, sec. 262, sub-sec. 3 (D), and as such is entitled to recover damages if injured by the negligence of his employers.

Judgment of the Chancery Division, 18 O.R., 314, affirmed.

Robinson, Q.C., and *G. F. Shepley* for the appellants.

Delamere, Q.C., and *F. H. Keefer* for the respondent.

From Q.B.D.] [May 13.

BRADY *v.* SADLER ET AL.

Crown Patent—Reservation—Evidence.

The description of the lands conveyed by a Crown patent was "All that parcel of land containing by admeasurement sixty acres, be the same more or less, being composed of lot number nine, exclusive of the lands covered by the waters of the S. River."

Lot nine included, by metes and bounds, two hundred acres, but the S. River ran through it. At and for some time previous to the time of the issue of the patent the waters of the S. River at this place were penned back by a dam.

Held, that the words, "the waters of the S. River" did not mean the waters of the S. River flowing in its natural channel merely, or the waters at the height at which they might happen to be on the day of the issue of the patent, but had the effect of reserving from the grant that portion of the lot liable to be covered, owing to the existence of the dam, by the waters of the S. River at their natural height at any time during the ordinary changes of the seasons.

Held, also, that extrinsic evidence was admissible for the purpose of showing what was reserved under the description, and that, upon that evidence, the land in question had not passed under the grant.

Judgment of the Queen's Bench Division, 16 O.R., 49, reversed.

E. Blake, Q.C., *S. H. Blake*, Q.C., and *Stewart* for the appellants.

Robinson, Q.C., *Moss*, Q.C., and *H. O'Leary* for the respondents.

From Chy.D.] [May 13.

THE CORPORATION OF THE TOWNSHIP OF BARTON *v.* THE CORPORATION OF THE CITY OF HAMILTON.

Municipal corporations—Extending sewer through contiguous municipality—"Territory"—R.S.O. (1887), ch. 184, sec. 492, sub-sec. 2.

The "territory" of the municipality referred to in R.S.O. (1887), ch. 184, sec. 492, sub-sec. 2, is the land comprised within the bounds, and under the jurisdiction of, the municipality, and is not limited to lands that are the property of the municipality.

One municipality cannot, therefore, extend a sewer through lands within the bounds of a contiguous municipality, without the consent of the latter or without taking the statutory steps, even although the lands through which the sewer is to run have been purchased by the former municipality from the private owners.