

Q. B.]

NOTES OF CASES.

[Chan.

Act was not binding, being a private Act, and plaintiff was not named in it, nor was he a petitioner, nor was he specially deprived of his rights thereby. Fourth replication—Act *ultra vires*, the debenture being payable in England, and was domiciliated there, and the holder resided there when Act passed.

Held, that the third replication was bad, for the Act included plaintiff, by referring to the class of holders to which he belonged.

Held, also, that the fourth replication was bad, as the Legislature was not confined by the words "property and civil rights in the Province," to legislation respecting bonds therein.

Watson, for demurrer.

MacKenzie, contra.

Osler, J.]

REGINA V. PALMER.

[Nov. 5.

Liquor License Act—Extent of licensed premises.

Defendant had a license to vend liquor "in and upon the premises known as the Palmer House," which was situated on the fore portion of a lot belonging to defendant. The rear part of the lot was for several years enclosed and used as a fair ground, and within this defendant sold liquor and was convicted for so doing: *Held*, that the fair ground was not included in the license, and the conviction was upheld.

Fenton, for the Crown.

Murphy, contra.

[This case is similar in its general facts to *Reg. v. Fraser*, ante. p. 346 on which the appellant relied, but was successfully distinguished on some points.—Eds. C. L. J.]

CHANCERY.

Ferguson, J.]

[Nov. 14.

WOLFFE V. HUGHES.

Practice—Setting aside judgment.

When a cause was called on for hearing, neither the defendant, nor any one on his behalf appeared, by reason of which a judgment was pronounced in favour of the plaintiff. Subsequently the defendant applied for an order to set aside the judgment. The Court [FERGUSON, J.,] being satisfied that the absence of the defendant and his counsel was purely accidental, granted the order asked on payment of the full costs of the hearing including all reasonable disbursements to counsel, &c., together with the costs of the application. If this indulgence not accepted, subject to the terms proposed, the application to be refused with costs.

Spragge, C. J. O.]

[Oct. 17.

MCARTHUR V. GILLIES.

Riparian owners—Water's edge—Boundaries—Obstructions to flow of water.

Although the rule is that the description of land situate on a stream, not navigable, the course of which goes to the water's edge or to the bank, carries the grant or conveyance to the thread of the stream and that the description continuing along the water's edge or bank will extend along the middle or thread of the stream, unless qualified by the context, still the grantee has no right by reason of such conveyance to erect any structure in the stream that may or can affect prejudicially the flow of the water, as regards the rights of other riparian owners.

Spragge, C. J. O.]

[Oct. 17.

ARTLEY V. CURRY.

Boundaries—Original monuments—Surveys.

In questions relating to boundaries and descriptions of lands, the well-established rule is that the work on the ground governs, and it is only where the site of a monument on the ground is difficult of ascertainment that a sur-