

From FERGUSON, J.]

[March 2.

NOVERRE v. CITY OF TORONTO.

*Municipal corporations—Negligence—Way—Invitation—Land adjoining highway.*

This was an appeal by the plaintiff from the judgment of FERGUSON, J., reported 27 O.R. 651, and was argued before BURTON, OSLER, and MACLENNAN, JJ.A., on the 29th of January, 1897.

Appeal dismissed with costs, the Court agreeing with the judgment below.

*Laidlaw*, Q.C., and *J. Bicknell*, for the appellant.

*Fullerton*, Q.C., and *Chisholm*, for the respondents.

From STREET, J.]

[March 2.

BLAKELEY v. GOULD.

*Insolvency—Assignments and preferences—Transfer of unearned profits.*

An assignment by way of security of the profit expected to be made out of a contract to do work does not come within the Act respecting assignments and Preferences, and cannot be set aside under that Act.

Judgment of STREET, J., affirmed.

*Robinson*, Q.C., and *W. N. Ferguson*, for the appellant.

*W. N. Miller*, Q.C., for the respondent, Gould.

*Aylesworth*, Q.C., for the respondent, Robertson.

*Worrell*, Q.C., for the respondents, The Bank of Montreal.

From FALCONBRIDGE, J.]

[March 2.

DOYLE v. NAGLE.

*Will—Construction—Falsa demonstratio—Lot described by wrong number.*

A testator who was the owner of the south-west quarter of lot twelve in the fourth concession, and of lot twelve in the fifth concession of a township, and of no other real estate, after providing for payment of his debts and funeral expenses by his executors, declared that "the residue of my estate which shall not be required for such purpose I give, devise and bequeath as follows," and then devised "the south-westerly quarter of lot eleven, concession four," to one son, and lot twelve in the fifth concession to another.

Held, that the word "eleven" might be rejected as falsa demonstratio and the devise read as if it were "the residue of my real estate in the fourth concession."

*Doe Lowry v. Grant*, 7 U.C.R. 125, applied and considered.

Judgment of FALCONBRIDGE, J., affirmed.

*Scanlan*, and *D. Ross*, for the appellants.

*Hood*, for the respondent.