

Full Court.]

GRANT v. GRANT.

[March 8.]

Order taken on judgment—Need not follow exact terms—Power of judge to vary.

On motion for an attachment for contempt the learned judge before whom the motion was made allowed it with costs, and concluded his judgment by saying that the defendant must in addition to paying the costs undertake not to publish or circulate anything calculated or liable to prejudice the course of justice in respect to the action while pending, and that he must also publish in an early number of *The Truth* an expression of regret for having published therein anything touching this action. The order taken out was granted in different terms, requiring the defendant to deposit with the prothonotary of the court a statement under his hand stating his regret at having made such publication and undertaking not to publish further comments upon this suit, etc.

Held, that the order not having been drawn up at the time judgment was delivered there was no necessity for following the terms of the written decision, but that it could be varied in any way that seemed proper to the judge, and that the case was one in which an appeal would not lie.

Drysdale, K.C., for appeal. *W. B. A. Ritchie*, K.C., and *T. R. Robertson*, contra.

Full Court.] ATTORNEY-GENERAL EX REL. DOMINION IRON [March 8.
AND STEEL CO. v. MCGOWAN.

Crown grant—Jurisdiction to vacate—Fraudulent concealment—Town Incorporation Act—Effect of, in vesting streets in town—Expropriation.

Defendant in making application for a grant of land from the Crown represented that the land applied for was "near" the town of Sydney when in fact it was in said town. Also that the land was "unoccupied and unimproved" when in truth, to defendant's knowledge, it was then in the occupation of the Dominion Steel Co., being a part of land which had been expropriated by the town and conveyed to the company for use in connection with their works.

Held, affirming the judgment of *RITCHIE*, J., in favour of plaintiff, that the Crown having been induced by false suggestions and fraudulent concealment to make a grant which it would not have made if the Crown officers had been properly informed, the grant must be set aside. The land in question was a portion of what was known as the "Cornish town road," being land reserved by the Crown many years previously for the purpose of a public road or highway, but which had never been used and was wider than was required for the purpose, and out of which some grants had been