

From ARMOUR, J.]

[June 30.

JARVIS v. CITY OF TORONTO.

*Registry Act—Easement—Notice—Equitable interest.*

A municipal council who, with the oral consent of the owner, built a sewer through land, acquire an equitable right to compel a conveyance of so much of the land as is occupied by the sewer, but a purchaser of the land without notice of the consent or of the existence of the sewer is protected by the Registry Act.

Judgment of ARMOUR, C.J., affirmed.

*E. D. Armour, Q.C., and H. M. Mowat for the appellants.*

*Moss, Q.C., and W. D. McPherson for the respondent.*

From C.P. Div.]

[June 30.

MILLOY v. GRAND TRUNK RAILWAY COMPANY OF CANADA.

*Railways—Carriers—Warehousemen.*

When a shipper stores goods from time to time in a railway warehouse, loading a car when a carload is ready, the responsibility of the railway company in respect of such of the goods as have not been specifically set apart for shipment is not that of carriers but of warehousemen, and in case of their accidental destruction by fire the shipper has no remedy against the company.

Judgment of the Common Pleas Division, 23 O.R. 454, reversed.

*H. S. Osler for the appellants.*

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

From Chy. Div.]

[June 30.

TAYLOR v. BRANDON MANUFACTURING CO.

*Patent of invention—Novelty—Specifications—Ambiguity.*

There is no inventive merit in making in one piece the cap-bar and protector of a washing machine, the cap-bar and protector having been previously made in two separate pieces.

A specification providing merely that such a protector is to be arranged at an angle is void for uncertainty.

Judgment of the Chancery Division affirmed.

*Osler, Q.C., for the appellant.*

*Shepley, Q.C., for the respondents.*

From ROBERTSON, J.]

[June 30.

SCULLY v. ROBERTSON.

*Mortgage—Payment—Solicitor.*

The onus of showing that a solicitor who is in possession of a mortgage and collects the interest has authority also to collect the principal is upon the mortgagor, and, unless this onus is clearly discharged, the mortgagor, and not