

The Ontario Weekly Notes

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COURT OF APPEAL.

NOVEMBER 20TH, 1911.

*FARQUHARSON v. BARNARD ARGUE ROTH STEARNS
OIL AND GAS CO.

Deed—Conveyance of Land in Fee Simple—Exception or Reservation—Construction—“Mines of Minerals”—“Springs of Oil”—Rock or Coal Oil—Natural Gas—Powers of Canada Company—Mining Powers—License—Right of Entry—Statutes of Limitations—Evidence—Trespass.

Appeal by the defendants from the judgment of BOYD, C., 22 O.L.R. 319, 2 O.W.N. 276, in so far as it was against the defendants.

The appeal was heard by MOSS, C.J.O., GARROW, MACLAREN, MEREDITH, and MAGEE, J.J.A.

I. F. Hellmuth, K.C., for the defendants the Canada Company.

Matthew Wilson, K.C., and J. F. Edgar, for the other defendants.

C. H. Ritchie, K.C., Thomas Scullard, and A. M. Stewart, for the plaintiff.

Moss, C.J.O.:—This action was brought and is being maintained to establish and enforce against the defendants the property rights of Alexander Farquharson, who was in his lifetime owner of a certain lot of land described as lot number 6 in the 8th concession of the township of Tilbury East, in the county of Kent. The claim was and is, that the defendants were trespassing upon the lot in question; sinking wells and mining shafts, erecting derricks, and taking away oil and natural gas; and an injunction and damages were sought.

*To be reported in the Ontario Law Reports.