

From Q.B. Div.]

FOWELL v. CHOWN.

[March 5.

Patent of invention—Combination—Novelty.

This was an appeal by the plaintiff from the judgment of the Queen's Bench Division, reported 25 O.R. 71, and was argued before HAGARTY, C.J.O., BURTON, OSLER, and MACLENNAN, J.J.A., on the 29th and 30th of November, and 3rd of December, 1894.

Moss, Q.C., *Cassels*, Q.C., and *E. Guss Porter*, for the appellant.

Osler, Q.C., and *Clute*, Q.C., for the respondent.

The appeal was dismissed with costs, the court holding that the article in question was a mere combination of old elements. No opinion was expressed as to the other points dealt with in the judgment below.

From BOYD, C.]

MOORHOUSE v. HEWISH.

[March 5.

Sale of land—Description—"More or less"—Specific performance.

Where a city building lot was described in an agreement for sale as having a depth of "130 feet, more or less," and had, in fact, a depth of 117 feet, with a lane in rear 12 feet wide, specific performance at the suit of the vendor was refused.

Judgment of BOYD, C., affirmed.

A. Cassels for the appellant.

J. Douglas for the respondent.

From ROSE, J.]

MERRITT v. CITY OF TORONTO.

[March 5.

Municipal corporations—Auctioneer—License.

Before the amending Act of 1894, 57 Vict., c. 50, s. 8 (O.), a municipal corporation could not, on the ground of the applicant's bad character, refuse to issue an auctioneer's license.

Judgment of ROSE, J., 35 O.R. 257, affirmed.

Fullerton, Q.C., for the appellants.

E. E. A. DuVernet and *J. E. Jones* for the respondent.

HIGH COURT OF JUSTICE.

Chancery Division.

Divl Court.]

[Feb. 21.

WEBB v. BARTON & STONEY CREEK CONSOLIDATED ROAD CO.

Road companies—Accident—"Done in pursuance of this Act"—Time limit—

"Within six months next after the fact committed"—R.S.O., c. 159, s. 145.

Action for damages caused to the plaintiff by his carriage striking a post of a railing placed by the defendants as a guard against the open drain at the mouth of a culvert on the defendants' road.