

## DIARY FOR MARCH.

1. Sun.....3rd Sunday in Lent. St. David.
2. Tues.....General Sessions and County Court Sittings for trial in York.
3. Thur.....York changed to Toronto, 1834.
4. Sun.....4th Sunday in Lent.
5. Mon.....Civil Assizes at Toronto.
10. Tues.....Court of Appeals sits. Prince of Wales married, 1863.
13. Fri.....Lord Mansfield born, 1704.
14. Sun.....5th Sunday in Lent.
15. Mon.....Chancery Sittings H.C.J. at Toronto.
17. Tues.....St. Patrick's Day.
18. Wed.....Aron. McLean, 8th C.J. of Q.B., 1862. Sir John B. Robinson, C.J., Ct. of Appeal 1862.
19. Thur.....P. M. S. Vankoughnet, 2nd Chancellor of U. C., 1862.
22. Sun.....6th Sunday in Lent. Palm Sunday.
23. Mon.....Sir Geo. Arthur, Lieut.-Governor of Upper Canada, 1838.
24. Thur.....Bank of England incorporated, 1694.
27. Fri.....Good Friday.
28. Sat.....Canada ceded to France, 1832.
29. Sun.....Easter Sunday.
30. Mon.....Easter Monday. B.N.A. Act assented to, 1867. Lord Metcalfe, Gov.-General, 1843.
31. Tues.....Slave trade abolished by Britain, 1807.

## Early Notes of Canadian Cases.

SUPREME COURT OF JUDICATURE  
FOR ONTARIO.

## HIGH COURT OF JUSTICE.

## Queen's Bench Division.

Div'l Court.] [Dec. 31.

CUMMING v. LANDED BANKING AND LOAN  
COMPANY.

*Trusts and trustees—Executors—Breaches of trust—Taking securities in name of one of two joint executors and trustees as "trustee"—Pledging securities for advance—Misapplication of moneys advanced—Following securities in hands of pledgee.*

The judgment of BOYD, C., 19 O.R. 426, affirmed.

E. Blake, Q.C., and Mackelcan, Q.C., for the defendants.

A. H. Marsh, Q.C., for the plaintiffs.

Div'l Court.] [Dec. 31.

HYATT v. MILLS.

*Crown patent—Construction—Land described as "north part" of lot—Uncertainty—Tax sale—Adverse occupation—R.S.O., c. 193, s. 191.*

A patent of land from the Crown is to be upheld rather than avoided, and to be construed most favorably for the grantee.

Where land was granted by a Crown patent describing it as the north part of lot 13, containing sixty acres, and the original plan of the township showed the lot with centre line running through the concession, and showed the part south of the line as one hundred acres, and the part north of the line as eighty acres; and it appeared that, prior to the grant of the north part, there had been a grant of the southerly part, containing one hundred acres, describing it by metes and bounds, which were evidently intended to include all the land south of the line, although they actually fell short of doing so,

*Held*, in a contest between the plaintiff claiming under the patentee of the north part and the defendant claiming under sales for taxes based upon the lands sold being patented lands, that the patent was not void for uncertainty, but that under the words "the north part" the whole of the lot lying to the north of the centre line passed to the grantee and those claiming through him.

*Doe Devine v. Wilson*, 10 Moo. P.C. 502; *Nolan v. Fox*, 15 C.P. 565; *Regina v. Bishop of Huron*, 8 C.P. 253, specially referred to.

At the time of the conveyances to the plaintiffs predecessor in title and to himself, the defendant was in adverse occupation of lands sold for arrears of taxes, having a *bona fide* claim or right thereto, derived mediately under the sales for taxes.

*Held*, that, although the sales may have been invalid, s. 191 of R.S.O. c. 193, applied to them, and the conveyances, as regards the lands sold for taxes, were void; and want of knowledge of the adverse occupation on the part of the plaintiff and his predecessor could not alter its effect.

Douglas, Q.C., and Moss, Q.C., for the plaintiff.

Matthew Wilson, Q.C., for the defendant.

Div'l Court.] [Dec. 31.

ISRAEL v. LEITH.

*Easement—Severance of tenement by conveyance—Rights of drainage and aqueduct—Implied grant—Express grant—Notice—Registry laws.*

Where the owner of two adjoining lots of land conveys one of them, he impliedly grants to the grantee all those continuous and apparent easements which are necessary for the reasonable use of the property granted, and which are