

establish that the locus in quo is covered by and included in her patent. And that is the question in controversy, whether the place in dispute is or is not patented land.

Defendant claims under patent issued to one Post on 13th February, 1874, but that issued upon proof being made to the Crown Lands Department that the claimant was entitled to the place under French title. A lot, being about three-fourths of an acre, was set apart from the Baby estate by deed of 30th June, 1823, by James and Francis Baby, sons and heirs of Peter Baby, to Louis Normandieu, and contains this accurate description: "Commencing at the water's edge of the Detroit river at the north-east angle of lot No. 77 and at the limits between lots 77 and 78; thence south 28 degrees east along the boundary between the said lots 5 chains 75 links more or less to a cedar post being the south-east corner of the fence enclosing the garden of said Louis Normandieu; thence along a palisade fence south 61 degrees 45 minutes west 1 chain 38 links; thence north 28 degrees 15 minutes west 3 chains 50 links; thence north 59 degrees 15 minutes west 78 links; thence north 28 degrees west 1 chain 46 links more or less to the Detroit river; thence along the said river against the stream easterly to the place of beginning."

Next comes a conveyance from Normandieu to Port dated 21st March, 1864, of part of this three-fourths of an acre, leaving out the water front and bounding the lot conveyed by the highway along the river front, with this description: "Commencing on the south-easterly side of the highway on limits between lots 77 and 78; thence south-easterly 28 degrees east 3 chains 79 links to where a post has been planted; thence south 45 degrees west 1 chain 28 links; thence north 28 degrees 15 minutes west 3 chain and 50 links; thence north 59 degrees 15 minutes west 78 links to the highway; and thence north-easterly following the highway to the place of beginning." It contains the ear-mark, "which piece of land hereby conveyed is included in the description of a deed from James and Francis Baby to Normandieu dated 30th June, 1823, and registered in the register of Essex," etc. It is to be noted that there are two errors in the description of the second course; it should be rightly, "south 61 degrees 45 minutes west 1 chain and 38 links"—but the copyist has blundered by leaving out "61 degrees" and turing the "45 minutes" into "45 degrees" and by making the distance "1 chain and 28 links" instead of "1 chain and 38 links."