

reciting the previous grant and the completion of the allotment and laying out in 1765.

*Held*, following *Boutillier v. Knock*, 2 Old. 77, that the land to which plaintiff asserted title was inferentially included in the grant of 1765.

2. Following *DesBarres v. Shey*, 2 G. & O. 377, on appeal, 29 L.T.N.S. 592, that a grant is valid in which reliance is placed upon previous allotment proceedings, location and registry, and the location of the area for each grantee is not specified.

3. Following *DesBarres v. Shey*, 29 L.T.N.S. 592, that the proceedings of the commissioners by whom the allotments were made called for by the grant of 1784, were evidence in the case.

4. A recital in a private grant will not be read as giving a retrospective effect to the grant itself or as making it senior to a previous grant. The same rule of construction does not apply to recitals in public grants relating to matters of public interest.

5. The Crown cannot, any more than any private individual, when it has parted with its interest in land, make an admission or statement affecting that interest, which will have the effect of derogating from its grant.

6. Where there is not sufficient land in a certain locality for two sets of lots granted, and one set must give way, the first party to take possession with a title takes the compliment of his grant.

7. Where the grant refers to allotment and location as having previously taken place, the general plan is admissible as part of the allotment proceedings and is useful as shewing the divisions, the numbers and the monuments, but will not be allowed to prevail over the true distances as shewn by measurement from such monuments and if the description is found to be false it will be rejected provided there is a sufficient description of the lot to identify it.

8. The fact that a plan shews too large or too small a quantity or a wrong location by scaling, so that it is not to be depended upon in that respect, will not be allowed to prevent the correct quantity and dimensions called for and evidenced in other ways from controlling.

9. In proving the position of adjoining lines referred to as boundaries in a given instrument it is not required to prove title back to the Crown. Occupation with colour of title even in the case of woodland would be sufficient.