

FIRST DIVISIONAL COURT.

FEBRUARY 16TH, 1920.

YOUNG v. FORT FRANCES PULP AND PAPER CO.

Nuisance—Injury to Hotel Property by Operation of Neighbouring Pulp Mill—Noise and Vapours—Deposit of Soot and Carbon—Trespass—Damages—Dismissal of Action except as to one Branch—Appeal—Judgment for Plaintiff for Small Sum—Payment of, by Defendants—Motion to Quash Appeal.

Appeal by the plaintiff from the judgment of MASTEN, J., ante 6.

The judgment was in favour of the plaintiff for the recovery of \$50 damages in respect of the deposit of carbon on the plaintiff's property. In other respects the action was dismissed by the trial Judge, and no costs were awarded to either party.

The defendants moved to quash the appeal, on the ground that the amount of the judgment against them had been paid to the plaintiff.

The appeal and motion were heard by MEREDITH, C.J.O., MACLAREN, MAGEE, HODGINS, and FERGUSON, JJ.A.

R. T. Harding, for the plaintiff.

W. N. Tilley, K.C., for the defendants.

THE COURT dismissed the plaintiff's appeal with costs, and dismissed the defendants' motion with costs (fixed at \$20).

FIRST DIVISIONAL COURT.

FEBRUARY 20TH, 1920.

SPEARMAN v. RENFREW MOLYBDENUM MINES LIMITED.

Contract—Ownership of Invention and Patents therefor—Finding of Joint Ownership—Appeal from—Evidence—Counterclaim—Adding Party at Trial—Prejudice.

Appeal by the defendant by counterclaim (the plaintiff in the action) from the judgment of LATCHFORD, J., 15 O.W.N. 343.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, HODGINS, and FERGUSON, JJ.A.

R. McKay, K.C., and J. Y. Murdoch, for the appellant.

A. G. Slaght, for the plaintiffs by counterclaim, respondents.