

From FALCONBRIDGE, J.]

[May 11.]

BEATY v. GREGORY.

*Church trustees—Covenant—Personal liability—R.S.O. c. 237.*

The duly appointed trustees of a congregation, to whom by that description the site for the church has been conveyed, and who by that description give to the vendor to secure the purchase money a mortgage with the ordinary covenant for payment, are not personally liable upon the mortgage, although it is signed and sealed by them individually.

Judgment of FALCONBRIDGE, J., 28 O.R. 60, affirmed.

J. B. Clarke, Q.C., and Swabey, for the appellant.

Moss, Q.C., and D. Urquhart, for the respondents.

From MEREDITH, J.]

[May 11.]

O'NEIL v. WINDHAM.

*Municipal corporations—Highways—Nuisance.*

A municipal corporation is not responsible for damages resulting from a horse taking fright at railway ties piled, without the knowledge or authority of the corporation, on the untravelled portion of a highway, but a person piling the ties on the highway without authority is responsible.

Judgment of MEREDITH, J., reversed in part.

G. Lynch-Staunton, for the appellant Taylor.

T. R. Slaughter, for the appellants, the townships.

T. Macbeth, for the respondent.

From STREET, J.]

[May 11.]

IN RE STONEHOUSE AND PLYMPTON.

*Drainage—Improvement of old drain—Drain extending into adjoining municipality—57 Vict, c. 56, s. 75 (O.)*

Under s. 75 of 57 Vict, c. 56 (O.), a township municipality which has constructed a drain within its own boundaries, connecting, however, with a drain constructed as an independent work by an adjoining municipality, has power, without the petition of the ratepayers, to provide for the necessary repairs to both drains, and to assess the adjoining municipality with its proportion of the cost.

Judgment of STREET, J., reversed.

Shepley, Q.C., and Cowan, for the appellants.

Aylesworth, Q.C., and Shaunessy, for the respondent.

From Divisional Court.]

[May 17.]

IN RE BRANTFORD ELECTRIC COMPANY AND DRAPER.

*Landlord and tenant—"Buildings and erections."*

This was an appeal by the lessors from the judgment of a Divisional Court (Meredith, C.J., and Rose, J.) reported 28 O.R. 40, and was argued before Burton, C.J.O., Osler, MacLennan, and Moss, J.J.A.

Wilkes, Q.C., for the appellants.

Armour, Q.C., and E. Sweet, for the respondents.

At the conclusion of the argument the appeal was dismissed with costs.