

SECOND DIVISIONAL COURT.

FEBRUARY 6TH, 1919.

## RYND v. TOWNSHIP OF BLANSHARD.

*Municipal Corporations—Deepening of Ditch—Creation of Outlet—Injury to Plaintiff's Land by Overflow of Water—Negligence—Award under Ditches and Watercourses Act, R.S.O. 1914 ch. 260—Application of sec. 23—Damages for Injury to Crops—Assessment of—Injunction—Leave to Apply if Cause of Complaint not Removed—Costs.*

Appeal by the defendants from the judgment of ROSE, J., ante 150.

The appeal was heard by BRITTON, RIDDELL, LATCHFORD, and MIDDLETON, JJ.

J. C. Makin, K.C., for the appellants.

J. M. McEvoy, for the plaintiff, respondent.

THE COURT dismissed the appeal with costs.

SECOND DIVISIONAL COURT.

FEBRUARY 6TH, 1919.

TOWN OF OSHAWA v. ONTARIO ASPHALT BLOCK  
PAVING CO.

*Contract—Municipal Corporation—Construction of Pavements—Guarantee-bond—Defective Work and Materials—Action on Bond—Recovery of Amount of Bond less Sum Expended in Repairs—Findings of Fact of Trial Judge—Appeal.*

Appeal by the defendants from the judgment of FALCONBRIDGE, C.J.K.B., ante 11.

The appeal was heard by BRITTON, RIDDELL, LATCHFORD, and MIDDLETON, JJ.

J. H. Rodd, for the appellants.

R. T. Harding, for the plaintiffs, respondents.

THE COURT dismissed the appeal with costs.