

defendants of the dedication of the land as a highway, the land vested in them, under the provisions of sec. 433 of the Act.

In the circumstances of the case, the plaintiff was not entitled to a perpetual injunction, but was entitled to reasonable damages, which should be assessed at \$100.

There should be no order as to costs, either in the Court below or in this Court, success and failure being divided.

LENNOX, J., agreed with the Chief Justice.

RIDDELL, J., after some fluctuation of opinion, agreed in the result.

ROSE, J., also agreed in the result, for reasons stated in writing.

Judgment below varied.

SECOND DIVISIONAL COURT.

APRIL 27TH, 1917.

*MCTAVISH v. LANNIN AND AITCHISON.

Costs—Security for—Public Authorities Protection Act, R.S.O. 1914 ch. 89, sec. 16—Action against Peace Officers—Entry of Dwelling-house without Search-warrant—Trespass to Land, Goods, and Person—Slander—Arrest without Warrant—Execution or Intended Execution of Duty—Good Defence on Merits—Criminal Code, sec. 30—Discretion.

Appeal by the plaintiff from the order of MIDDLETON, J., 11 O.W.N. 445.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and ROSE, JJ.

R. T. Harding, for the appellant.

R. S. Robertson, for the defendants, respondents.

MEREDITH, C.J.C.P., in a written judgment, said that the action was really one for trespass to the plaintiff's land, goods, and person, and for defamation of character in accusing her, in her own house and before her infant children, of theft, and threatening to take her to gaol for that offence, though they had no intention

* This case and all others so marked to be reported in the Ontario Law Reports.