

Yates is not a valid objection to the title to the lands he is purchasing, and that neither the said Gordon A. Yates or his assignee has any interest in the lands in question.

The purchaser will pay the vendor the costs of this application.

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HON. MR. JUSTICE HODGINS.      SEPTEMBER 15TH, 1913.

RE STRONG AND THE CAMPBELLFORD, LAKE  
ONTARIO & WESTERN RW. CO.

RE STRONG AND THE ONTARIO & QUEBEC RW. CO.

5 O. W. N. 25.

*Railways—Expropriation of Lands—Application for Warrant of Possession — Dom. Ry. Act R. S. C. c. 37, s. 217—Proceedings Irregular—Defective Material—Dismissal of Motion—Costs.*

HODGINS, J.A., dismissed a motion by a railway for a warrant for possession of certain lands expropriated on the ground that the material filed did not support the application for the warrant.

Costs to the landowner in any event of the arbitration.

Motion for an order under the Dominion Railway Act, R. S. C. ch. 37, sec. 217, for the issue of a warrant for immediate possession of certain lands expropriated for railway purposes.

C. W. Livingston, for the railway companies.

H. M. Mowat, K.C., for landowner.

HON. MR. JUSTICE HODGINS:—The notice of this motion and the notice of expropriation, are given on behalf of the Ontario and Quebec R. Co., while the affidavit on which the motion is founded is entitled, In the matter of the Campbellford, Lake Ontario and Western R. Co.

In the notice of expropriation the land is stated to be required by the Ontario and Quebec R. Co. for the purposes of its railway; and in the affidavit in support it is sworn to be required to be taken for the Campbellford, Lake Ontario and Western R. Co.

In answer to the motion it is shewn that no plan has been filed in the Registry Office of the county of Lanark, indicating that the land in question is required for the purposes of the Ontario and Quebec R. Co. The affida-