

REPORTS AND NOTES OF CASES

Province of Ontario.

COURT OF APPEAL.

From Drainage Referee.]

[Sept. 12.

IN RE TOWNSHIPS OF ROCHESTER AND MERSEA.

Drainage — Branch drains — Separate assessment — Amendment of engineer's report.

Where it is essential for the purpose of draining the area in question a drainage work may include such branch drains as may be necessary, and the main drain and branches may be repaired and enlarged in case of necessity under one joint scheme and joint assessment, a separate scheme and separate assessment for the main drain and for each branch not being necessary. Under s.-s. 3 of s. 89 of The Municipal Drainage Act, R.S.O., c. 226, the Drainage Referee has jurisdiction, with the consent of the engineer and upon evidence given to amend the engineer's report by charging against the townships in question for "injuring liability" assessment erroneously charged against them by the engineer for "outlet liability." Judgment of the Drainage Referee reversed

Mathew Wilson, Q.C., and J. G. Kerr, for appellants. A. H. Clarke, and M. K. Cowan, for respondents.

From Meredith, J.]

[Sept. 20.

IN RE POWERS AND TOWNSHIP OF CHATHAM.

Municipal law — By-law — Public Schools Act.

An appeal by the Township of Chatham from the judgment of MEREDITH, J., 34 C.L.J. 632, 29 O.R. 571, was argued before BURTON, C.J.O., OSLER, MACLENNAN, MOSS, and LISTER, JJ. A., on the 19th and 20th of September, 1899, and on the conclusion of the argument was dismissed with costs, the Court agreeing with the judgment in the Court below.

J. S. Fraser, for appellants. Aylesworth, Q.C., and A. B. Carscallen, for respondent.

HIGH COURT OF JUSTICE.

Street, J.]

GOODERHAM v. MOORE.

[July 14.

Sale of land—Purchase subject to mortgage—Right of indemnity—Claim on administrator—Service of notice—R.S.O. c. 139, s. 35.

A sale of land for \$275 on which there was a mortgage for \$1100, the