

TOWNSHIP OF HAY v. BISSONNETTE—DIVISIONAL COURT—  
DEC. 15.

*Highway—Dedication—Municipal By-law.*]—Appeal by the defendants from the judgment of CLUTE, J., 14 O. W. R. 279, in favour of the plaintiffs in an action for a declaration that certain streets laid down upon a plan were public highways. The Court (FALCONBRIDGE, C.J.K.B., BRITTON and SUTHERLAND, JJ.), dismissed the appeal with costs. W. Proudfoot, K.C., for the defendants. M. G. Cameron, K.C., for the plaintiffs.

RE SPURR AND MURPHY—DIVISIONAL COURT—DEC. 15.

*Mines and Minerals — Mining Commissioner — Appeal.*]—Appeal by Spurr and Penny from a decision of the Mining Commissioner declaring the claims of the appellants invalid. The Court (FALCONBRIDGE, C.J.K.B., BRITTON and SUTHERLAND, JJ.), held that it was not necessary to invoke the rule enunciated in Bishop v. Bishop, 10 O. W. R. 177, because the preponderance of evidence was clearly in favour of the Commissioner's finding. The rule laid down in Re Cashman and Cobalt and James Mines Limited, 10 O. W. R. 658, as to the status of the appellants, applied. The Commissioner first proceeded to find that there was no bona fide or sufficient discovery of valuable mineral by the appellants, and then he proceeded also to destroy the applications of the respondents. The validity of both sets of claims was attacked and placed before the Commissioner for adjudication. Appeal dismissed with costs. McGregor Young, K.C., for the appellants. R. McKay, for the respondents.

KASTNER v. MACKENZIE—TEETZEL, J.—DEC. 18.

*Sale of Goods—Refusal to Accept.*]—Action for damages for the defendant's refusal to accept part of a consignment of onions which he agreed to purchase at 7½ cents per lb. TEETZEL, J., found, upon conflicting evidence, that the onions did not comply with the terms of the agreement, and the defendant was justified in rejecting them. Action dismissed with costs. G. G. McPherson, K.C., for the plaintiff. R. S. Robertson, for the defendant.