

ment was reversed, so that it must be taken as *chose jugée*, that this line between 9 and 10 cannot be considered as the guide line. Addie's report, as a matter of fact, referred only indirectly to this line—he was not called upon to give the bearing of this line. He states that, according to the report, and field notes of the surveyor, Poudrier, this line appeared to be parallel to the town line—which may be correct—and his report simply goes to assert that the line should be run parallel to the town line between the said townships, as established by Fournier and retraced by Poudrier as it existed on the ground.

"This view was finally maintained by the Supreme Court, and, therefore, whether the line between 9 and 10 was or not exactly parallel to the town line, has no bearing on the case, according to the final judgment of the Supreme Court, and the plaintiff must be held to have known Addie's report and to have accepted it, with its true meaning, as determined by the courts. There is no falsity in Addie's report, under C. c. p. 505, when, even assuming it might have erroneously considered that the line between 9 and 10 was parallel to the town line. Plaintiff's evidence and pretensions are not conclusive, and, even if correct, could in any way affect the holdings of the Supreme Court judgment.

"The court considers that plaintiff's pretensions are unfounded under both articles 505 and 1177 C. c. p., and the judgment of the Superior Court, St. Francis, Hutchinson, J., 12th September, 1908, is hereby unanimously confirmed, with costs."

*Cook, McMaster & Magee, attorneys for plaintiff.*

*A. W. Atwater, K. C., counsel.*

*Hend, Fraser, McDonald & Rigg, attorneys for defendant.*

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