

were substantially correct, and that only a few small items were open to question, and that as to these, or indeed as to any item that was questioned by the School Board, the evidence at the trial made it clear that the accounts were correct.

If effect were given to the contention of the School Board, it would follow that if it had borrowed money for a legitimate purpose, and had applied it to that purpose, but, in consequence of the absence of some statutory formality, the lender could not enforce his claim in the Courts, it would not be competent for the Legislature to enact that, notwithstanding the informality, the debt should be recoverable. Legislation of that character is not often passed by the Imperial Parliament, but in a new country like Canada it is sometimes necessary that it should be and it is passed.

I would, for these reasons, allow the appeals of the defendants with costs, reverse the judgment of the learned trial Judge, and substitute for it a judgment dismissing the actions with costs and directing that judgment be entered for the Commissioners on their counterclaim with costs, and I would dismiss the appeal of the School Board with costs.

If I had reached a different conclusion as to the validity of the Act, I should nevertheless, for the reasons I have given, have been of opinion that the Commissioners are entitled to be recouped the money they have expended in carrying on the schools, and the result would be the same.

*Appeal allowed.*

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FIRST DIVISIONAL COURT.

OCTOBER 25TH, 1918.

HAMILTON MOTOR WORKS LIMITED v. BROWNE.

*Patent for Land—Water-lot Granted by Crown—Boundaries—Surveys—Plans—Determination of True Boundary-line—Evidence—Declaration—Costs.*

Appeal by the defendant from the judgment of KELLY, J., 13 O.W.N. 120.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and HODGINS, JJ.A., and MIDDLETON, J.

J. L. Counsell, for the appellant.

George S. Kerr, K.C., and T. B. McQuesten, for the plaintiffs, respondents.