

tiffs should have been notified as soon as the notice of appeal was given. Expense had been incurred in preparing for the appeal. An order for security, at any stage, would be of little use to the defendants: it would only stay the progress of the action until a new next friend, resident in the province, should be appointed, who need not be possessed of any property whatever, as the cases shew. Motion dismissed without costs. H. S. White, for the defendants. R. C. H. Cassels, for the plaintiffs.

---

LAPORTE V. WETENKEL—DIVISIONAL COURT—MARCH 10.

*Malicious Prosecution—Reasonable and Probable Cause—Finding of Court.*]—Appeal by the plaintiff from the judgment of the County Court of Bruce dismissing an action for malicious prosecution. By consent, the case was left to the Court (RIDDELL, SUTHERLAND, and MIDDLETON, JJ.) to decide as arbitrators. Upon a perusal of the evidence, all the Judges were of the opinion that there was reasonable and probable cause for the proceedings complained of. The appeal and the action were, therefore, dismissed, both with costs. O. E. Klein, for the plaintiff. G. H. Kilmer, K.C., for the defendant.

---

DOOLITTLE V. TOWN OF ORILLIA—DIVISIONAL COURT—MARCH 10.

*Water and Watercourses—Flooding Lands—Dam on River—Cause of Flooding—Evidence—Appeal.*]—An appeal by the plaintiff from the judgment of MIDDLETON, J., at the trial, dismissing the action, which was brought to recover damages for the flooding of the plaintiff's lands, alleged to have been caused by the erection by the defendants of a dam at the Ragged Rapids on the river Severn, for the purposes of supplying power to the town of Orillia. The appeal was heard by FALCONBRIDGE, C.J. K.B., BRITTON and LATCHFORD, JJ. The judgment of the Court was delivered by BRITTON, J., who said that the plaintiff's right to recover depended wholly upon questions of fact. He then referred briefly to the facts; and concluded by saying that the evidence did not satisfy him beyond reasonable doubt that the defendants' dam was the cause of injury to the plaintiff's lands. Appeal dismissed with costs. W. A. Lampport, for the plaintiff. E. F. B. Johnston, K.C., and D. Inglis Grant, for the defendants.