

MASON & RISCH LIMITED V. BURNETT—KELLY, J.—DEC. 6.

Appeal—Report of Local Judge—Findings—Evidence.]—An appeal by the defendant from the report of a Local Judge. The appeal was heard in the Weekly Court, Toronto. KELLY, J., in a written judgment, said that the Local Judge had set out facts which, if substantiated, entitled the plaintiffs to succeed. A careful perusal of the material satisfied the learned Judge sitting in appeal that the evidence was quite sufficient to support the findings, and there was no reason for interfering—in fact ample reasons for upholding the report were apparent. The appeal should be dismissed with costs. L. C. Raymond, K.C., for the appellant. H. F. Upper, for the plaintiffs, respondents.

WHYTE V. TOWNSHIP OF TISDALE—LENNOX, J.—DEC. 11.

Appeal—Referee's Report—Evidence—Interest—Costs.]—An appeal by the Municipal Corporation of the Township of Tisdale, the defendants, from the report of the Judge of the District Court of the District of Temiskaming, finding that the plaintiff was entitled to judgment against the defendants for \$750, with interest thereon at 5 per cent. per annum from the 20th June, 1912. The appeal was heard in the Weekly Court, Toronto. LENNOX, J., in a written judgment, said that the conclusion reached by the Referee was right, and that the plaintiff was entitled to recover the \$750 and interest thereon. The appeal should be dismissed with costs, and judgment should be entered for the plaintiff accordingly and for the costs of the action, the reference, and this appeal. McGregor Young, K.C., for the appellants. J. M. Ferguson, for the plaintiff, respondent.