

M. K. Cowan, K.C., and J. W. Pickup, for the appellant
E. D. Armour, K.C., for the defendants, the respondents.

THE COURT granted a new trial, on terms, with leave to amend and add parties. The costs of the last trial and of this appeal to be costs to the respondents in any event, unless the trial Judge should otherwise order.

MAY 12TH, 1914.

HEIMBACH v. GRAUEL.

Fraud and Misrepresentation—Sale of Land—Action for Deceit—Evidence—Findings of Fact of Trial Judge—Damages—Appeal.

Appeal by the defendants from the judgment of KELLY, J., 5 O.W.N. 859.

The appeal was heard by MULOCK, C.J.Ex., RIDDELL, SUTHERLAND, and LEITCH, JJ.

E. E. A. DuVernet, K.C., for the appellants.

R. McKay, K.C., and A. B. McBride, for the plaintiff, the respondent.

THE COURT dismissed the appeal with costs.

MAY 12TH, 1914.

*VOLCANIC OIL AND GAS CO. v. CHAPLIN.

Water and Watercourses—Crown Grant of Land Bounded by Highway Running near Bank of Lake—Encroachment of Water upon Highway and Land Beyond—Right of Grantee to Land Covered by Water—Lease by Crown—Trespass—Evidence—Riparian Owners—Appeal—Questions of Fact—Reversal of Judgments of Trial Judge and Divisional Court.

Appeal by the defendants from the order of a Divisional Court of the High Court of Justice, 4 O.W.N. 517, 27 O.L.R. 484, affirming the judgment of FALCONBRIDGE, C.J.K.B., 3 O.W.N. 1597, 27 O.L.R. 34.

*To be reported in the Ontario Law Reports.