

Full Court.]

DIXON v. DAUPHINEE.

[March 5.]

Trespass—Line fence—New trial to decide point left undetermined—Burden of proof.

Plaintiff and defendant were owners of adjoining lots of land, the title to which was derived from the same original grantor. Plaintiff's lot was described as being bounded on the north by the south line of defendant's lot. In an action claiming damages for trespass plaintiff complained that defendant in erecting a new fence had placed it on a line different from the line of a fence which existed previously, and which was admitted to have been on the true line between the two lots.

The question whether defendant had, as a matter of fact, departed from the old line or not having been left undetermined,

Held, that there must be a new trial.

Per WEATHERBE, J. (dissenting). The burden was upon plaintiff to prove the south line of defendant's lot, and that as she had failed to do so she could not recover.

E. D. King, K.C., for appellant. *J. A. Chisholm*, for respondent.

Province of New Brunswick.

SUPREME COURT.

Barker, J., in Equity.]

PENRY v. HANSON.

[April 16.]

Ship—Account—Jurisdiction in Equity.

The Supreme Court in Equity has concurrent jurisdiction with the Exchequer Court in Admiralty in account between co-owners of a ship.

A. O. Earle, K.C., for plaintiff. *A. J. Trueman*, K.C., for defendants.

North-West Territories.

SUPREME COURT.

Full Court.]

LAMONT v. CANADIAN PACIFIC RAILWAY COMPANY.

[March 7.]

Service of process—Place of service—Special provisions—General enactment.

Appeal from the judgment of *McGUIRE*, J., allowing the service of a writ of summons on the defendants by serving the defendants' station agent