

Ontario solicitors for the plaintiffs, deposing to his information and belief derived from letters and telegrams received from the plaintiffs' Manitoba solicitors, was insufficient: *Lagos v. Grunwaldt*, [1909] W. N. 216; *In re J. L. Young*, [1900] 2 Ch. 753. This affidavit was fortified by an affidavit of one of the Manitoba solicitors, but that, too, was deemed insufficient, as no reasons were given for the belief that nothing had been paid on the judgment and that there was no defence to the action. Motion dismissed with costs to the defendant in the cause. J. D. Falconbridge, for the plaintiffs. M. Lockhart Gordon, for the defendant.

WHITE v. KEEGAN—BRITTON, J.—JAN. 15.

Way—Private Way—Evidence—Obstructions.]—The plaintiff was the owner of the south-west quarter and the defendant of the north-west quarter of a lot in the township of Montague. A well-defined road led to the concession road from the plaintiff's land across the defendant's land. This was opened long ago, and had been used and travelled for many years. Recently the defendant placed a gate across the north end of this road. This action was brought for its removal, and to prevent any obstruction by gate or fence, and for a declaration as to the plaintiff's rights. The plaintiff contended that the road or way was really a public highway. BRITTON, J., held, upon the evidence, that the road was not a highway, but that the plaintiff was entitled to use it as a way to the concession road, without obstruction by any gate, and made a declaration accordingly, and ordered the removal of the gate. No costs. H. A. Lavell, for the plaintiff. C. J. Foy, for the defendant.

ANDERSON v. ROSS—RIDDELL, J.—JAN. 17.

Damages—Covenant—Restraint of Trade.]—Appeal by the plaintiff from a report of a referee finding the defendant entitled to \$2,500 damages for breach of a covenant in restraint of trade. Previous decisions are reported in 11 O. W. R. 852 and 13 O. W. R. 625. RIDDELL, J., said that, as in *Dewey and O'Heir Co. v. Dewey*, ante 329, "nothing like mathematical accuracy can be attained, nor is it desirable, nor are the damages to be measured in apothecaries' scales." Appeal allowed with costs and damages reduced to \$500. J. E. Jones, for the plaintiff. H. Cassels, K.C., for the defendant.