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No. 8

APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

APRIL 26TH, 1917.

BADENACH v. INGLIS.

Settlement of Action—Dispute as to whether Items of Account Included—Reference to Take Accounts—Report—Appeal—Evidence—Absence of Mistake or Fraud—Costs.

Appeals by the defendant Annetta Blanche Inglis, by the defendant Sarah H. Badenach, and by the plaintiff, from the order of SUTHERLAND, J., 11 O.W.N. 391.

The appeals were heard by MEREDITH, C.J.C.P., LENNOX, J., FERGUSON, J.A., and ROSE, J.

Alexander MacGregor, for the appellant A. B. Inglis.

D. O. Cameron, for the appellant S. H. Badenach.

C. H. Porter, for the appellant plaintiff.

THE COURT dismissed all the appeals with costs.

SECOND DIVISIONAL COURT.

APRIL 27TH, 1917.

LOCKIE v. TOWNSHIP OF NORTH MONAGHAN.

Highway — Boundaries — Ascertainment — Encroachment on Land of Neighbouring Owner—Highway Acquired by Purchase—Possession for more than 20 Years—Limitations Act—Onus—Finding of Trial Judge—Appeal—Permission for Further Litigation—Right to Flow of Water of Creek—Agreement with Municipality—Duty of Municipality to Maintain Flow—Interference when Road Constructed—Responsibility of Municipality—Dedication and Acceptance—Municipal Act, secs. 433, 460 (6)—Breach of Duty—Remedy—Injunction—Damages—Costs.

Appeal by the defendants and cross-appeal by the plaintiff from the judgment of the County Court of the County of Peterborough.