

Ont.] WATER COMMISSIONERS OF LONDON v. SAUNBY. [April 27.
Water commission—Act of incorporation—Construction—Appropriation of water—Power.

The Act for construction of waterworks in the City of London empowered the commissioners to enter upon any lands in the city or within 15 miles thereof and set out the portion required for the works, and to divert and appropriate any river, pond, spring or stream therein.

Held, (SEGEWICK and KILLAM, JJ., dissenting) that the water to be appropriated was not confined to the area of the lands entered upon, but the commissioners could appropriate the water of the River Thames by erection of a dam and setting aside of a reservoir; and that such water could be used to create power for utilization of other waters and was not necessarily to be distributed in the city for drinking and other municipal purposes. Appeal allowed with costs.

Aylesworth, K.C., and *Meredith*, K.C., for appellants. *Hellmuth*, K.C., and *Izy*, for respondents.

N.B.] MILLER v. ROBERTSON. [April 27.
Court of Equity—Title to land—Declaratory decree—Cloud on title—Injunction—New grounds of appeal.

A Court of Equity will not grant a decree confirming the title to land claimed by possession under the Statute of Limitations nor restrain by injunction a person from selling land or another.

Per TASCHEREAU, C.J. — Where leave to appeal per saltum has been granted on the ground that the court of last resort in the Province had already decided the question in issue the appellant should not be allowed to advance new grounds to support his appeal. Appeal allowed with costs.

Gormully, K.C., and *Fred. Taylor*, for appellant. *Teed*, K.C., for respondent.

N.B.] MADDISON v. EMMERSON. [April 27.
Crown lands—Adverse possession—Grant during.

Though there has been adverse possession of Crown lands for more than twenty years, the Act 21 Jac. 1, c. 14, does not prevent the Crown from validly granting the same without first re-establishing title by information of intrusion. DAVIES, J., dissenting.

Judgment appealed from (36 N.B. Rep. 260) reversed.

Powell, K.C., for appellant. *Pugsley*, K.C., and *Friel*, for respondent.