

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

W. Laidlaw, K.C., and W. I. Dick, for the appellants.

G. L. Smith, for the plaintiff, the respondent.

THE COURT dismissed the appeal with costs; CLUTE, J., dissenting.

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OCTOBER 1ST, 1914.

KINSMAN v. TOWNSHIP OF MERSEA.

*Highway—Nonrepair—Death of Child by being Thrown from Waggon—Liability of Township Corporation—Negligence—Failure to Fence Ditches—Evidence—Action by Parents under Fatal Accidents Act—Damages—Reduction on Appeal.*

Appeal by the defendants from the judgment of LENNOX, J., 6 O.W.N. 597.

The appeal was heard by MULOCK, C.J.Ex., CLUTE, RIDDELL, and MIDDLETON, JJ.

J. H. Rodd, for the appellants.

M. Wilson, K.C., for the plaintiff, the respondent.

THE COURT dismissed the appeal with costs, subject to a reduction of the damages from \$1,400 to \$1,100.

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HIGH COURT DIVISION.

FALCONBRIDGE, C.J.K.B.

SEPTEMBER 28TH, 1914.

WOOD v. ANDERSON.

*Sale of Animal—Warranty—Breach — Evidence — Preponderance of Testimony — Return of Horse — Damages—Purchase-price and Expenses—Anticipated Profits — Remoteness.*

Action for damages for breach of warranty upon the sale of a stallion.