

trial. Success having been divided, costs of the motion to be costs in the cause. Shirley Denison, K.C., for the defendants. H. E. Rose, K.C., for the plaintiff.

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MILLS V. FREEL—RIDDELL, J.—MAY 6.

*Highway—Forced Road Substituted for Road Allowance—Right to Portion of Road Allowance in Lieu thereof.*]—Action for a declaration that the plaintiffs were entitled to part of the 10th concession road allowance in the township of East Nissouri, in lieu of a forced road taken from the plaintiffs' land, for which no compensation was paid to the plaintiffs or their predecessors in title, and for an injunction and other relief. The learned Judge said that further consideration had not changed his opinion formed at the trial. Action dismissed with costs, including all costs over which the trial Judge has control. J. M. McEvoy, for the plaintiffs. E. Meredith, K.C., and W. R. Meredith, for the defendants.

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GALLAGHER V. ONTARIO SEWER PIPE CO.—DIVISIONAL COURT—MAY 6.

*Deed—Grant of "Sewer Pipe Clay"—Deposit on Land—Removal—Time—Depth of Deposit—Reformation of Deed—Agreement—Future Rights.*]—Appeal by the plaintiff from the judgment of TEETZEL, J., ante 742. The appeal was heard by MULOCK, C.J.Ex.D., CLUTE and RIDDELL, JJ. The Court dismissed the appeal with costs. C. W. Bell, for the plaintiff. J. A. Macintosh, for the defendants.

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CHEESEWORTH V. DAVISON—DIVISIONAL COURT—MAY 7.

*Contract—Mining Venture—Syndicate—Breach of Agreement—Return of Money Paid—Damages—False Representations.*]—Appeal by the plaintiff from the judgment of SUTHERLAND, J., ante 606. The appeal was heard by MULOCK, C.J.Ex.D., CLUTE and RIDDELL, JJ. The Court dismissed the appeal with costs. W. D. McPherson, K.C., for the plaintiff. J. T. White, for the defendant.