

The  
**Ontario Weekly Notes**

---

Vol. V.

TORONTO, FEBRUARY 27, 1914.

No. 23

---

APPELLATE DIVISION.

FEBRUARY 16TH, 1914.

GUEST v. CITY OF HAMILTON.

*Municipal Corporation—Expropriation of Land—By-law—Notice of Expropriation—Repealing By-law—Expropriation of Smaller Portion—New Notice—Liability for Damages for Passing of first By-law and Entry—Municipal Act, 1903, sec. 463—Municipal Act, 1913, sec. 347.*

Appeal by the plaintiff from the judgment of MIDDLETON, J., ante 310.

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

J. L. Counsell, for the appellant.

H. E. Rose, K.C., for the defendants, respondents.

THE COURT dismissed the appeal with costs, reserving to the appellant all rights outside of the claims in the action.

FEBRUARY 18TH, 1914.

DAVID DICK & SONS LIMITED v. STANDARD UNDERGROUND CABLE CO.

*Contract—Breach—Delay—Damages—Counterclaim—Interest—Costs—Third Parties.*

Appeal by the plaintiff from the judgment of MIDDLETON, J., ante 82.

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

J. L. Counsell, for the appellant.

D. L. McCarthy, K.C., for the defendants, the respondents.

H. A. Burbidge, for the third parties.

THE COURT varied the judgment by reducing the amount allowed on the counterclaim by \$1,693; and, with this variation, dismissed the appeal with costs.