for their maintenance and support, and in arriving at the share it is reasonable to divide the income into aliquot parts, thus giving one-fourth to the receiver.

Judgment of BOYD, C., affirmed.

Marsh, Q.C., and *C. D. Scott* for the appellant.

Armour, Q.C., for the infant respondents.

Leitch, Q.C., for the adult respondent.

VILLAGE OF NEW HAMBURG *v.* COUNTY OF WATERLOO.

Municipal corporations—Bridges—Rivers - Waters—R.S.O., c. 184, ss. 532, 534.

Under sections 532 and 534 of the Municipal Act, R.S.O., c. 184, county councils are directed to build and maintain "all bridges crossing streams or rivers over 100 feet in width . . . connecting any main highway."

Held, per HAGARTY, C.J.O., and BURTON, J.A., agreeing with the Queen's Bench Division, that the width of the water in its natural flow at ordinary high water mark was the test; and

Per OSLER and MACLENNAN, JJ.A., agreeing with FERGUSON, J., at the trial, that the bridge required to connect the highway was the test.

In the result, the judgment of the Queen's Bench Division, 22 O.R. 193, was affirmed.

W. R. Meredith, Q.C., for the appellants.

John King, Q.C., for the respondents.

BASKERVILLE *v.* CITY OF OTTAWA ET AL.

BASKERVILLE *v.* CANADA ATLANTIC R.W. CO.

Municipal corporations—Arbitration and award—Damages—Ways—Railways—R.S.O., c. 184, s. 531, s-s. 4.

A railway company obtained permission from a municipal corporation to run their line along a certain street, agreeing not to raise the grade to more than a certain height. They built the line and raised the grade of the street to more than the specified height, the corporation not consenting, but not taking any steps to prevent the violation of the agreement.

Held, affirming the judgment of MACMAHON, J., that as against the plaintiffs, who were owners of property injuriously affected by the unauthorized raising of the grade, the railway company were trespassers and liable in an action for damages; but

Held, also, reversing the judgment of MACMAHON, J. (MACLENNAN, J.A., dissenting), that, as against the corporation, the plaintiffs were restricted to the remedy by arbitration, and that in any event the cause of action was not of such a nature as to entitle the corporation to bring in the railway company under s. 531 (4) of R.S.O., c. 184.

J. H. Macdonald, Q.C., and *A. J. Christie*, Q.C., for the railway company.

D. B. McTavish, Q.C., and *Aylesworth*, Q.C., for the city of Ottawa.

McCarthy, Q.C., and *F. E. Latchford* for the plaintiffs.