

IN THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

Matthews, Chipman, and Freeman, JJ.A.

BETWEEN:

CLAYTON NASH, KEVIN NASH,
BRIAN NASH and GEORGE NASH

Appellants

- and -

JOHN WILLIAM CORKUM, MARGARET S.
CORKUM, ARTHUR SWEET and HERB NASH

Respondents

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) David Miller, Q.C.
) and Barbara S. Penick
) for the Appellants
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) Ralph W. Ripley
) for the Respondents
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) Appeal Heard:
) November 29, 1991
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) Judgment Delivered:
) November 29, 1991
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THE COURT: The appeal is dismissed with costs as per oral reasons for judgment of Chipman, J.A.; Matthews and Freeman, JJ.A., concurring.

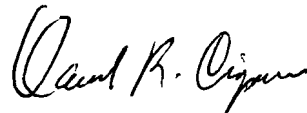
The reasons for judgment of the Court were delivered orally by:

CHIPMAN, J.A.:

This is an appeal from a decision of Mr. Justice Davison of the Trial Division. Mr. Justice Davison found that the appellants had interfered with the right of access of the respondent Corkum as a riparian owner to the waters of Glace Bay Harbour. He made an order restraining the appellants from interfering with that right and, in particular, from constructing wharves and other structures in the harbour in front of the Corkum property and from mooring boats and storing lobster traps and other equipment in the area at issue.

The trial judge's decision was based on findings of fact. We have examined the record and after hearing the argument of counsel, we are satisfied that there were no errors made by the trial judge in reaching the conclusion that he did.

The appeal is dismissed with costs which are hereby fixed at \$2,000.00, plus disbursements to be taxed.


J.A.

Concurred in:

Matthews, J.A. 

Freeman, J.A. 