

basis, without costs. The defendant to have the right to elect to retain possession. No costs. D. W. Dumble, K.C., for the plaintiff. F. D. Kerr, for the defendant.

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GORDON v. J. I. CASE THRESHER MACHINE Co.—MACMAHON, J.  
—DEC. 30.

*Mistake—Payment.*]—The plaintiff sought repayment from the defendants of \$240 which he alleged that he had paid to the defendants under a mistake of fact, and also claimed interest thereon. MACMAHON, J., found that the plaintiff had full knowledge of all the facts, and voluntarily paid the \$240. Action dismissed with costs. W. E. Buckingham, for the plaintiff. C. L. Dunbar, K.C., and E. A. Dunbar, for the defendants.

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