

each is owner of the soil on his side *ad medium flum* of the highway." In view of the provisions of the Municipal Act (55 Vict., c. 42, ss. 525, 527) as to the ownership of the soil of highways, the application of this case in Ontario is subject to the qualification consequent upon those provisions.

PRACTICE—ORDER FOR PARTICULARS—TERMS WHICH MAY BE IMPOSED IN ORDER FOR PARTICULARS.

In *Davey v. Bentinck*, (1893) 1 Q.B. 185, under Ord. xix., r. 7, which expressly authorizes the court to make orders for the delivery of better particulars of any matter stated in any pleading, notice, or written proceeding, it is held by the Court of Appeal (Lord Esher, M.R., and Lopes, L.J.) that it is competent for a court making such an order against a plaintiff to impose the terms that in default of the particulars being delivered pursuant to the order, the action shall be dismissed. The Ontario Rules make no express provision on the subject of the delivery of particulars, but such terms are often imposed in such orders, and this case is an authority for so doing.

STATUTE OF LIMITATIONS—"JURISDICTION."

In *Jay v. Johnstone*, (1893) 1 Q.B. 189, it may be noticed that the decision of the Divisional Court, (1893) 1 Q.B. 25 (noted *ante* p. 136), is affirmed by the Court of Appeal (Lindley and Bowen, L.JJ.).

SALE OF GOODS BY SAMPLE—ACCEPTANCE AFTER KNOWLEDGE OF DEFECT—RIGHT OF PURCHASER TO REJECT GOODS.

In *Perkins v. Bell*, (1893) 1 Q.B. 193, a question arose as to the right of a purchaser of goods to reject the same for deviation from sample, after having once accepted them after knowledge of the defect, under the following circumstances: The goods in question were a quantity of barley, which was bought according to a sample. After the sale the seller's servants mixed a quantity of inferior barley. The barley was to be delivered at a railway station. Before the delivery the seller notified the purchaser of the mistake, and offered that if defendant complained that it would make any difference to him in the sample he would make it good, but that he hoped it would not. Thereupon the purchaser wrote to the station master to forward him a sample of the barley, which the station master did. Having inspected