

official referee, upon the trial by him of an action for the price of bicycles sold and a counterclaim for damages in respect of the quality of the bicycles. Also a motion by plaintiffs for judgment on the report.

G. F. Shepley, K.C., and N. W. Rowell, for plaintiffs.

E. B. Ryckman and C. W. Kerr, for defendant company and defendant Hill.

G. G. Mills, for defendant Love.

THE CHANCELLOR dealt with the facts of the case at considerable length, and varied the report of the referee in some particulars. He also pronounced judgment in accordance with the report as varied, and upon the question of costs.

FALCONBRIDGE, C.J.

MARCH 26TH, 1902.

TRIAL.

MANN v. G. T. R. CO.

Deed—Construction—Gravel—Subsequent Deposit.

Action tried at Cayuga, brought for damages for conversion by defendants of a quantity of gravel taken by defendants from certain lands of the plaintiffs. This was the second trial of the action. The facts appear in the reports of the decision upon previous trial, 32 O. R. 240, and in appeal, 1 O. L. R. 487.

J. H. Moss, for plaintiffs.

H. S. Osler, for defendants.

FALCONBRIDGE, C.J.—The questions of law have been settled for me on the former trial and appeal. I find the issues joined in favour of the plaintiffs, and assess the damages at \$350, with costs on the High Court scale, and grant an injunction restraining defendants from further interfering with the deposit of gravel.

W. D. Swayze, Dunnville, solicitor for plaintiffs.

Bell & Biggar, Belleville, solicitors for defendants.

FALCONBRIDGE, C.J.

MARCH 27TH, 1902.

CHAMBERS.

RE McALLISTER.

Will—Construction—Estate Tail.

Originating notice under Rule 938.

By his will, dated in 1872, Robert McAllister, who died in 1876, devised certain land to the applicant, A. R. Chatterton, in the following terms:—"I give and bequeath unto