

tiffs are entitled to damages for the alleged diminished value of the intended raft, by seizing the ten cribs, as I find that the timber so taken, which is still in Quebec, did not, by its absence from the raft, appreciably depreciate the average value of the raft, as contended for by the plaintiffs. The evidence of the length and character of the 175 pieces, as well as the length and character of the other timber of the raft, is far from being clear; and assuming that the ten cribs contained the best timber, the average of the whole raft was not depreciated so as to affect the value of the timber in the raft. As to the alleged damages for the detention of the raft of two days when the cribs were seized by the sheriff, I find that Batson and Currier suffered no damage on account of delay. The raft was not ready to go; and also in each of the ten cribs there was timber belonging to the defendant, and which he recovered for in the replevin suit; and as Batson and Currier mixed his timber with their own, it would become necessary for the defendant to take out of the cribs such timber; and if they had broken up the cribs for that purpose, it would have created delay and expense to Batson and Currier in reconstructing the cribs for rafting. I find also that the plea of set-off was proved. The defendant has leave to move to enter a verdict for him for that amount, \$275.27. The plaintiffs have also leave to move to enter a verdict for them for such amount as the Court may order."

November 27th, 1878, *Robinson*, Q. C., obtained a rule calling upon the defendant to shew cause why a verdict should not be entered for the plaintiffs for such sum and upon such issues as to the Court might seem right, pursuant to the Common Law Procedure Act.

February 13, 1879, *Bethune*, Q. C., shewed cause, citing *Bletcher v. Burn*, 25 U. C. R. 124; *Casselman v. Hersey*, 32 U. C. R. 333; *Attorney-General v. Price*, 15 Grant 304.

Robinson, Q. C., contra, referred to *Patterson v. Fuller*, 31 U. C. R. 323; R. S. O. ch. 116; *Robinson & Joseph's Digest*, "Replevin."