

SEMMENS v. HARVEY—DIVISIONAL COURT—JULY 15.

Sale of Goods—Bill of Sale—Goods Brought into Stock to Replace others sold—Authority of Husband of Vendor as Agent—Trover—Value of Goods.]—Appeal by the plaintiffs from the judgment of the District Court of Nipissing in favour of the defendant in an action in detinue and trover for certain goods which the plaintiffs alleged were the property of Elizabeth Nickle, and were sold and assigned by her by bill of sale to the plaintiffs, who demanded them of the defendant, in whose possession they were, and who refused to deliver them. The defence was that Elizabeth Nickle brought these goods into stock to replace stock sold by her belonging to the defendant; and the Bills of Sale Act, R. S. O. 1897 ch. 148, was relied on. Held, by the Divisional Court (FALCONBRIDGE, C.J.K.B., BRITTON and RIDDELL, J.J.), upon the evidence, that the goods were the property of Elizabeth Nickle when she made the bill of sale to the plaintiffs, and there was no proof that she ever authorised her husband to sell or give the goods to the defendant. Appeal allowed with costs, and judgment to be entered for the plaintiffs for the value of the goods. FALCONBRIDGE, C.J., and BRITTON, J., agreed that the value should be fixed at \$130, subject to a reference, if the defendant desires to take it, at her own risk as to costs. RIDDELL, J. (dissenting as to this), was of opinion that there was no satisfactory evidence of the value of the goods, and that there should be a reference as to value. G. Grant, for the plaintiffs. W. N. Ferguson, K.C., for the defendant.

STOKES v. REYNOLDS—SUTHERLAND, J.—JULY 18.

Summary Judgment — Con. Rule 603—Special Indorsement of Writ of Summons—Defence.]—An appeal by the defendant from the order of the Master in Chambers, ante 1051, was dismissed with costs. J. M. Ferguson, for the defendant. C. F. Ritchie, for the plaintiff.

NORTHERN LUMBER CO. v. MILNE—SUTHERLAND, J.—JULY 21.

Interim Injunction—Contract — Timber.] — Motion by the plaintiffs to continue an interim injunction restraining the de-