that he was born in Ireland, and was a citizen of the United States. It was objected that the duty of allegiance attaching from his birth continued, and he therefore was not shewn to be a citizen of the United States, but:—Held, that though his duty as a subject remained, he might become liable as a citizen of the United States by being naturalized, of which his own declaration was evidence. *Regina* v. *McMahon*, 26 U. C. R. 195.

Levying War—*Evidence.*]—In this case, the charge being the same as the last, it was shewn that the prisoner had declared himself to be an American citizen since his arrest, but a witness was called on his behalf who proved that he was born within the Queen's allegiance:—Held, that the Crown might waive the right of allegiance and try him as an American citizen, which he claimed to be. The fact of the invaders coming from the United States, would be prima facie evidence of their being citizens or subjects thereof. *Regina* v. *Lynch*, 26 U. C. R. 208.

Mortgage — *Discharge.*] — A foreign administrator cannot effectually release a mortgage on land in this province. Payment to him and a release by the heirs are not sufficient to entitle the owners to a certificate of title free from incumbrances under the Act for Quieting Titles. *In re Thorpe*, 14 Gr. 76.

Mortgage of Ship.]—The mortgagee of a British ship is not an owner within the meaning of Imperial statute 17 & 18 Vict. c. 104, and there is no provision in that statute to prevent an alien being a mortgagee. *Comstock* v. *Harris*, 13 O. R. 407.

Naturalization.]—On an application to prevent certificates of naturalization being issued by the Court of General Sessions of the Peace, to C. W., J. F., and B. K., under 31 Vict. c. 66 (D.), the grounds of opposition were, 1. That the time of residence was not stated in the affidavit of residence; 2. That the certificate of the justices of the peace, read on the first day of the court, did not shew that the requisite oaths of allegiance had been taken by the applicants. 3. That initial letters only were used in the heading of the affidavits, and not the full names of the applicants. These objections were overruled. *In re Webster*, 7 C. L. J. 39.

Payment Out of Court.]—Payment to foreign guardian or trustee. *See* INFANT, II. 3—PAYMENT, II. 3.

Trade-mark.]—The right at common law of an alien friend in respect to trade-marks stands on the same ground as that of a subject. *Davis* v. *Kennedy*, 13 Gr. 523.

See CONSTITUTIONAL LAW, II. 20—PARLIAMENT, I. 12 (e).

ALIENATION OF AFFECTIONS.

See HUSBAND AND WIFE, III.

ALIMONY.

See FOREIGN LAW—HUSBAND AND WIFE, I.

AMALGAMATION.

See COMPANY, V.—RAILWAYS, II.

AMENDMENT.

See ARREST, II. 2 (b)—CRIMINAL LAW, VIII. 1—EJECTMENT, VI. 1—EXECUTION, V. 1—FRAUD AND MISREPRESENTATION, III. 3 (b)—JUDGMENT, I.—PARTIES, I.—PLEADING—PLEADING AT LAW BEFORE THE JUDICATURE ACT, II. —PLEADING IN EQUITY BEFORE THE JUDICATURE ACT, II., III.—PLEADING SINCE THE JUDICATURE ACT, II.—PRACTICE—PRACTICE AT LAW BEFORE THE JUDICATURE ACT, I. 1—TRIAL, I.

ANIMALS.

I. CASES OF GENERAL APPLICATION.

Bailment—*Increase.*]—In the case of a gratuitous loan all the increase and offspring of the loan, and everything accessional to it (in this case a pair of mares, offspring of a mare loaned, and portion of a set of harness acquired as payment for the use of oxen), belong to the lender, and must be returned at the determination of the loan, and are not subject to seizure under execution against the bailee. *Dillaree* v. *Doyle*, 43 U. C. R. 442.

Bills of Sale.]—Effect of Bills of Sale Act, R. S. O. 1877 c. 119, where animal conveyed by one of two owners. See *Gunn* v. *Burgess*, 5 O. R. 685.

Conversion—*Increase.*]—In April, 1846, plaintiff's mares strayed to defendant's farm, who advertised them, and no owner appearing, he began to use them about a year afterwards. In July, 1846, the same mares, being supposed to be on the plaintiff's pasture, were sold by the sheriff, under an execution against plaintiff, to one Scott, who never obtained possession of them, but hearing, in 1852, that they had foaled and were in defendant's possession, made a written demand on defendant for them and their progeny in September of that year. A year afterwards S. made over his interest to the plaintiff as a gift, without any consideration or delivery. In 1855 the plaintiff made a demand on defendant for the mares and colts, which was refused, and he brought trover:—Held, that the measure of damages in trover is the value of the property at the time of conversion, and consequently that even if the plaintiff had not been barred by the statute of limitations he had no claim to be the owner of the animals subsequently bred from the mares. *Scott* v. *McAlpine*, 6 C. P. 302.