

The defendant, therefore, must give up the house; but, in the belief that the house was his, he made improvements and paid taxes, and for this was entitled for credit against the occupation-rent with which he ought reasonably to be charged.

There should be judgment for the plaintiffs for possession of the house and for \$247.23 for occupation-rent, after deducting a sum for improvements and taxes. There should be no costs payable by either party to the other.

MATTHEW ADDY CO.V. CANADIAN MALLEABLE IRON CO.—MASTEN, J., IN CHAMBERS—JUNE 15.

Discovery—Production of Documents—Further and Better Affidavit.—An appeal by the plaintiffs from an order of the Master in Chambers requiring them to file a further and better affidavit of documents. MASTEN, J., in a written judgment, said that a perusal of the file of correspondence submitted to him satisfied him that certain letters (which he specified) should be produced. There must, he supposed, be other letters in existence, letters from the plaintiffs' sub-purchasers to the plaintiffs. These and any other correspondence or written reports not procured specially as evidence for the trial should be produced under a further and better affidavit on production. The appeal should be dismissed with costs to the defendants in any event. M. L. Gordon, for the plaintiffs. G. H. Sedgewick, for the defendants.

RE McLAUGHLIN—MASTEN, J., IN CHAMBERS—JUNE 16.

Infants—Custody—Separation of Father and Mother—Children of Tender Age—Welfare of—Superior Right of Father.—An application by the father of the infants Mary Eliza McLaughlin and Beth McLaughlin for an order awarding him the custody of their persons as against their mother, his wife. MASTEN, J., in a written judgment, said that no grave moral fault was imputed by either of the parents to the other; the question of difference in religious faith was not raised; and the difficulty in the continuance of harmonious family relationships appeared to arise principally—if not exclusively—from incompatibility of temper and failure to exercise on either side that self-subdual which is so essential to harmonious relationships between any two persons brought into more than usual contact. The eldest child was born on the