

Held, reversing the judgment of the Court of Appeal, that as the surrounding circumstances clearly showed the intention of M. to convey the whole of warehouse No. 5 the extent of the conveyance could not be limited by the words of description; and as said wall was common to both properties the estate of M. had an undivided moiety in the ground covered by it as tenant in common. Appeal allowed with costs.

Mills for respondents.

Ont.] COCKBURN v. IMPERIAL LUMBER CO. [Oct. 24.
Saw-logs Driving Act—R.S.O. (1887) c. 121—Detention—Remedy—Arbitration.

C. & Sons in driving logs down Bear Creek, District of Nipissing, found them stopped by a drive in front belonging to the Imperial Lumber Co., which had reached their destination and were held in the stream until they could be transported to the mill by means of a jack ladder. The logs of C. & Sons were detained so long that they could not be driven further that season which caused considerable damage, and an arbitration was agreed on under the Saw-logs Driving Act, C. & Sons claiming damages for detention, and the company cross-claimed in respect to jams detaining another drive behind that of C. & Sons. The arbitrator disallowed the company's claim, and awarded C. & Sons some \$1,100 for unnecessary and unreasonable detention. In an action on the award the company pleaded that the arbitrator had given compensation for delay caused by the mere fact that their drive was ahead of the other, and the Court of Appeal so held and gave judgment in their favour on the ground that C. & Sons' only remedy was by breaking the jam.

Held, reversing such judgment (26 Ont. A. R. 19) that C. & Sons had also a remedy by arbitration under the Act: that the Company had not made before the arbitrator the claim raised by the plea: and that they had failed to establish such plea on the trial. Appeal allowed with costs.

Gamble and Dunn for appellants. *Aylesworth, Q.C.*, for respondents.

Ex. Court.] THE QUEEN v. YULE. [Oct. 24.
Constitutional law—B.N.A. Act, s. 111—Franchise before Confederation—8 Vict., c. 90 (D)—Liability of province—Arbitration—Condition precedent.

A toll bridge with its necessary buildings and approaches was built and maintained by Y. at Chambly in the Province of Quebec in 1845 under a franchise granted to him by an Act (8 Vict., c. 90) of the Province of Canada, in 1845, on the condition therein expressed that on the expiration of the term of fifty years the works should vest in the Crown as a free bridge for public use, and that Y. or his representatives should then be compensated for by