

ation having been put in and objected to, leave was given to put in the original as also an amplification of the judgment of acquittal, for it appearing that the merits were not with the defendant, technicalities should not be allowed to defeat justice.

*Burdett and S. O'Brien* for the plaintiff.

*W. Kerr, Q.C.*, for the defendant.

GALT, C.J.]

ST. CATHARINES RAILWAY CO. *v.* MORRIS.

*Railway—Loss of local custom by use of railway—Compensation—Speculative damages.*

Where under the Railway Act, 51 Vict., c. 29 (O.) the owner of a mill who was also the owner of a lot adjoining the mill which was used as the principal means of communication between the mill and a public highway and across which lot a railway company had erected a trestle bridge, also sought compensation for the loss of local custom to and from the mill, not arising from the construction of the railway but from a subsequent use of it.

*Held*, that the damages were too remote and speculative to be allowed.

*Aylesworth and Ingersoll* for defendants.

*Collier* contra.

ROBERTSON, J.]

MCCONNELL *v.* MCCONNELL.

*Domicile—Evidence of.*

*Held*, upon the facts set out in the judgment in this case, that although a testator's domicile was in Ontario he had changed it to the United States, which was his domicile at the time of his death, and his will therefore must be construed according to the laws of Minnesota, U.S., as regards all his personal estate, and his real estate there, and according to the laws of Manitoba, as regards his lands there, and as to the Ontario lands they devolved on his executors.

*Douglas, Q.C.*, for plaintiff.

*Cassels, Q.C.*, for defendant.

GALT, C.J.]

HENDERSON *v.* STISTED.

*Assessment and taxes—Exemptions—51 Vict., c. 29, s. 3 (O.)*

By s. 3 of the Assessment Amendment Act, 51 Vict., c. 29 (O.), which came into force on August 21st, 1888, s. 7 of the Assessment Act,

R.S.O., c. 193, was amended by adding to the exemptions "all horses, etc., owned and held by any owner or tenant of any farm, and when carrying on the general business of farming or grazing." The defendant township was instituted under the Municipal Institutions Act for Algoma, Muskoka, etc., R.S.O., c. 185, s. 20 of which provided for the making of an assessment roll, which said roll, by s. 28, when finally revised, was to be the roll of the municipality until a new roll was made, the Council by s. 29 to fix the time for making the assessment roll, at periods of not less than one year nor more than four years, and the year for the purposes of the Act was to commence on first of January thereof, and by s. 364 of the Municipal Act, R. S.O., c. 184, the rates or taxes were to be considered imposed on and from 1st January and to end with 31st of December, unless otherwise provided. By s. 30 the Council might each year, after the final revision of the roll, pass a by-law levying a rate on all the real and personal property. The assessment for the year 1888 was made in the months of March and April, and the roll was returned to the clerk of the municipality on or about 1st of May, and was finally revised by the Council sitting as a Court of Revision on 16th June. On 14th August a by-law was passed directing a rate to be levied to meet the current expenses for the year.

*Held*, under the circumstances the personal property mentioned was not exempt for the year 1888.

*Urquhart* for the plaintiff.

*George Bell* for the defendant.

FALCONBRIDGE, J.]

GRIFFIN *v.* PEMBROKE.

*Copyright—Right of author to deposit copy, etc.—Right to proceed for infringement—Railway ticket—Subject of copyright.*

S. 5 of the Consol. Stat. Can., c. 81, is merely directory, and so the neglect of the author of a work to deposit a copy thereof in the library of Parliament does not incapacitate him from proceeding for infringement of it.

A railway ticket is not a subject of copyright under said Act.

*Rain, Q.C.*, for plaintiff.

*Cattanach and R. Vashon Rogers* for defendant.