

dedication of the lands over which the old trail passed as a public highway, either by the crown or by the private owner, notwithstanding long user of the same by settlers in that district prior to the Dominion Government survey of the Edmonton settlement. Appeal allowed with costs.

McCaul, Q.C., for appellant. *Beck*, Q.C., for respondent.

COURT OF APPEAL.

Practice.]

RE MACAULAY, A SOLICITOR.

[Sept. 20.

Solicitor—Costs—Taxation—Discretion of local officer—Increased counsel fees.

The decision of a Divisional Court, 17 P. R. 461, affirmed on appeal.

W. J. Clark, for appellant. *C. R. W. Biggar*, Q.C., for the solicitor.

Province of Ontario.

HIGH COURT OF JUSTICE.

Rose, J.]

RENNIE v. FRAME.

[May 6, 1896.

Limitation of actions—Exclusive possession of land—Receipt of profits—Pasture for cattle.

While the defendant was in possession of land as caretaker or tenant at will, the owner put his cattle thereon to be fed and cared for by the defendant.

Held, that the produce of the land which the cattle ate was "profits" which the owner, by means of his cattle, took to himself for his own use and benefit, and as long as the cattle were upon the land the defendant was not in exclusive possession, and the Statute of Limitations did not begin to run in his favour.

Aylesworth, Q.C., and *William Millar*, for plaintiffs. *E. P. Clement*, for defendant.

Divisional Court.]

BEAULIEU v. COCHRANE.

[July 2, 1898.

Trade union—Libel—Malice—Privilege—Evidence.

On appeal by defendant from that portion of the judgment of the trial judge reported ante page 161, directing judgment to be entered for the plaintiff in respect of the libel in the 10th paragraph of the statement of claim, for \$300 and costs, heard before Ferguson, Robertson and Meredith, J.J.,

Held, that there was no evidence of malice shown, and in the absence of such evidence that the communication was privileged. Appeal allowed, and the action dismissed with costs. Judgment of MacMahon, J., reversed.

L. G. McCarthy, for the appeal. *A. H. Lefroy*, contra.