

Court Clerk, the land shall be vested in the city and the council may then enter into possession of the land. That Act confers no powers of expropriation for park purposes except in the case of cities.

Held, that the defendants had no more power of entering upon land and expropriating same for their purposes than the council of a city would have under the Municipal Act, and that such council has no power to enter, without the consent of the owner, upon land which it may desire to acquire for park purposes, without first taking steps to expropriate the land and depositing the amount ascertained as damages or compensation, and that defendants were liable in an action at the suit of the plaintiff. *Parkdale v. West*, 12 A.C. 602, and *Arthur v. G.T.R. Co.*, 25 O.R. 40, followed.

Held, also, that the defendants had power, under ss. 39 and 43 of the Act to construct the dam in question, provided they took the proper steps to compensate persons injured by its construction.

Verdict for \$480 damages and costs, and leave reserved to renew the motion for an injunction against the continuance of the trespass and the maintenance of the dam, unless defendants undertook to proceed within three months to expropriate the portion of the plaintiff's land occupied or flooded by them and to settle and pay the compensation awarded and the amount of the present judgment.

Aikins, K.C., Robson and Meighen, for plaintiff. *A. Carson*, for defendants.

Province of British Columbia.

SUPREME COURT.

Full Court.]

[Nov. 15, 1904.]

CAMSUSA v. COIGDARRIPE.

Trustee—Sale of trust business to stranger with arrangement that one of trustees go into partnership in the business—Validity of—Lapse of long term before action—Adequate price.

Evidence—Entries made by an executor in private books—Whether admissible for or against co-executor—Entries by solicitor as to instructions from client.

Appeal from judgment of IRVING, J., dismissing an action against trustees for breach of trust. In 1885 the trustees of a