

“all the plant, engines, machinery and gear, fixed and movable utensils and effects,” upon the “Triumph” claim, and obtained a bill of sale therefor. All the articles, except the buildings, were returned by the defendants in good order, and the plaintiff had suffered no damage by reason of their being removed. The only property of value retained by the defendant White was the lumber that was in the buildings taken down. The plaintiff was entitled to these buildings; they passed to her as part of the “plant;” that word may mean buildings specially built for the work in connection with which the word is used: see the Encyclopædia of the Laws of England, sub verb. “Plant.” The defendant White contended that he was not responsible for the work of tearing down by the other defendants; but that contention could not prevail; the work was done by the servants of White and was within the scope of what White intended and directed his men to do. Giving the plaintiff the benefit of every doubt as against a wrongdoer, in a case which was not one for exemplary or vindictive damages, the sum of \$300 was fair and ample as damages. Judgment for the plaintiff for \$300 with costs and without set-off of costs. Allan McLennan, for the plaintiff. J. S. McGillivray, K.C., for the defendants.

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TUTTY v. HELLER—SUTHERLAND, J., IN CHAMBERS—OCT. 22.

*Mortgage—Action for Foreclosure—Entry of Judgment—Application for Stay of Proceedings—Large Arrears of Interest and Taxes—Mortgagors and Purchasers Relief Act, 1915—Dismissal of Application.*]—The plaintiffs asked the learned Judge to re-open and reconsider the order pronounced on the 5th May, 1915 (8 O.W.N. 429), but not yet issued. The learned Judge said that the facts were not made entirely clear on the first argument. The taxes left unpaid by the defendants and paid by the plaintiffs were larger in amount than he had supposed. The matter was, by consent, allowed to stand over until after vacation. The motion was originally by the defendants for an order staying proceedings. A statement of the mortgage accounts was now put in, which shewed that the defendants were largely in arrears for interest and taxes. The original motion should be dismissed with costs. Christopher C. Robinson, for the plaintiffs. J. C. McRuer, for the defendants.