

So to treat the instrument does no violence to its language, and prevents the gross injustice which would result if the defendants' contention were to prevail, for the bounty is given to compensate for the lowering of the price of petroleum in the Canadian market consequent on the taking off of the duty on the imported article, and the effect of the defendants' contention would be that the plaintiff in respect of his one-eighth would receive no compensation for the loss he sustained by the lowering of its market value, but the compensation would go to the defendants, who sustained no loss from that cause.

Appeal dismissed with costs.

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FORREST V. TURNBULL—DIVISIONAL COURT—NOV. 2.

*Limitation of Actions.*—An appeal by the plaintiff from the judgment of MACMAHON, J., 14 O. W. R. 478, dismissing an action brought to establish the plaintiff's right to certain land, was dismissed with costs by a Divisional Court composed of FALCONBRIDGE, C.J.K.B., BRITTON and SUTHERLAND, JJ. G. G. McPherson, K.C., for the plaintiff. R. S. Robertson, for the defendants.

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RYCKMAN V. RANDOLPH—MASTER IN CHAMBERS—NOV. 5.

*Service of Writ of Summons—Foreign Partnership—Carrying on Business in Ontario.*—Motion by the defendants E. & C. Randolph and by John J. Dixon to set aside the service of the writ of summons on Dixon as being a person having the control or management at Toronto of the business of the defendants E. & C. Randolph, a New York firm. The Master held, upon the affidavits before him, that the defendants E. & C. Randolph were not carrying on business within Ontario when the service was effected. He referred to the Annual Practice, 1908, vol. 1, p. 650; Singleton v. Roberts, 70 L. T. 687; Grant v. Anderson, [1892] 1 Q. B. 108; The Princesse Clementine, [1896] P. 19; Baillie v. Goodwin, 33 Ch. D. 104; Mackenzie v. Fleming Revell Co., 7 O. W. R. 414; Comber v. Leyland, [1898] A. C. 524; Murphy v. Phoenix Bridge Co., 18 P. R. 495. Order made setting aside the service with costs, unless the plaintiff should prefer such an order as was made in Singleton v. Roberts. W. E. Middleton, K.C., for the defendants