

shew unexplained facts and circumstances so unusual as to create a strong suspicion that fraud has been practised.

2. Upon the proper construction of rules 917, 918 and 919, the judge of a County Court in which the judgment has been recovered has power, when the amount claimed to be due from the garnishee is so large as not to be within the jurisdiction of a County Court, to make the garnishing summons returnable before himself, even where the garnishee resides in another county.

3. An order for a receiver should not be made in respect of a fund which may be reached by garnishing process.

Idington, Q.C., for plaintiffs. *R. N. Ball*, for defendants and others interested.

Meredith, C. J.] MANN v. GRAND TRUNK R. W. CO. [Nov. 22.

Deed—Construction—Gravel—Subsequent deposit.

In 1856 the owner of land by deed conveyed to a railway company "the gravel situate and being on and comprised within a certain part" of the land, with the right of way for a railway track, and the free and unobstructed use thereof, and covenanted for quiet possession, free from incumbrances, of the gravel and other the premises conveyed.

Held, that gravel deposited on the land since the date of the deed, owing to the action of the waters of a lake, did not pass by the deed.

J. H. Moss and Swayze, for plaintiffs. *Wallace Nesbitt, Q.C.*, for defendants.

Province of Nova Scotia.

SUPREME COURT.

Full Court.] THE QUEEN v. MACCAFFERY. [March 13.

Theft—Criminal Code ss. 743, 746, 747—Evidence to support conviction—Case reserved—Question not properly before court—New trial—Remedies open to party accused.

The defendant was tried before the Judge of the County Court for the Metropolitan District of the County of Halifax on the charge of having stolen a sum of money, the property of a fellow seaman. The evidence shewed that the prosecutor and defendant, with a number of other seamen employed on board the steamship "Minia," lived and slept, and had their belongings, including several chests, in a place in the fore part of the ship called the "square." Defendant in common with others of the ship's