

pass on their demeanour in the witness-box—both appeared to be very decent men. The pivotal point of the case, in the Chief Justice's view, was the acceptance by the plaintiff of the paper given to him by the defendant and the signing by the plaintiff of a receipt on the 18th December, 1912—without the vigorous protest which he said that he made. Then he waited a year and a half, and caused a solicitor's letter to be written. Then he waited more than two years, and began this action on the 9th September, 1916. Meanwhile the Government had cancelled the locations even as to money paid for overplus. If he had made up his mind once for all and acted promptly, instead of "backing and filling," he might have been in a position to restore the property. Action dismissed with costs. R. McKay, K.C., for the plaintiff. W. E. Raney, K.C., and H. E. Stone, for the defendant.