

Penelope Woods, the putative mother, did say that she had taken Sarah to bring her up, etc., that it was well known in the family that she was not one of the family, but an outsider, and on the evidence called for the defence he must find that she was not the daughter of Penelope Woods, although her position was made as pleasant for her as possible and her want of kinship to her putative relations was not unnecessarily flaunted. Mrs. Amanda Brown, her daughter, claimed to be a next of kin of Edward Woods; the administrator of Edward Woods's estate denied this. RIDELL, J., says: "I thought it proper to make an order at the trial that the administrator should represent all persons who have an interest in disputing Mrs. Brown's kinship. And I find in favour of the defendant. As to costs, I do not consider that I should make the real next of kin pay the costs of one who makes the claim to be of them and fails: but I think under all the circumstances I may direct that there shall be no costs except that the defendant shall have his costs between solicitor and client out of the estate." V. A. Sinclair, for the plaintiff. W. H. Barnum, for the defendant.

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APPELBE v. DOUGLAS—FALCONBRIDGE, C.J.K.B.—Nov. 21.

*Landlord and Tenant—Alleged Obstruction and Nuisance—Costs.*]—Action by plaintiff, landlord of certain premises in the City of Windsor, for an injunction restraining defendant, the lessee of the premises, from depositing boxes, papers and other articles upon parts of the premises, from burning same, etc., and for forfeiture of the lease. The learned Chief Justice said that perusal of the evidence confirmed the opinion which he formed when hearing the case, that plaintiff had proved no substantial wrong or grievance calling for the interference of the Court either by way of injunction, damages, or forfeiture of lease. The alleged obstruction and nuisance had caused no visible and substantial, or pecuniary damage to plaintiff's property. The defendant had not always acted with due consideration of the plaintiff's feelings, if not of his rights, and the action was accordingly dismissed without costs. J. H. Rodd, for the plaintiff. J. Sale, for the defendant.

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BARTRUM, HARVEY & Co. v. SCOTT—MIDDLETON, J.—Nov. 21.

*Motion for Judgment—Costs of Action—Parties Agree that Judge should Determine Question.*]—Motion for judgment upon pleadings and affidavit. Upon the return of the motion, both