defendant Callaghan, was accepted. The plaintiff asserted that the defendant Callaghan purchased the vessel in circumstances which constituted him a trustee for the plaintiff and which entitled the plaintiff to a transfer of the vessel upon payment to Callaghan of $4,400. To succeed, the plaintiff must establish clearly and definitely, first, that the defendants Shaw and Sweet were employed as agents to purchase the vessel for him; and, second, that Callaghan bought the vessel either on behalf of Shaw and Sweet or under an arrangement with them whereby they acquired an interest in the vessel. The plaintiff must establish both these things; and, in the learned Judge's opinion, he had failed to establish either. Callaghan purchased the steamer for himself, and Shaw and Sweet never had any interest in her whatever. The action should be dismissed with costs. The costs of the injunction motion should also go to the defendants, but there should be no additional costs in connection with an amendment to the pleadings which was afterwards abandoned by the defendants. H. J. Macdonald, for the plaintiff. J. W. McFadden, for the defendant Callaghan. J. Cowan, for the defendants Shaw and Sweet.

RE REID—LATCHFORD, J.—MARCH 26.

Executors—Passing Accounts—Gifts of Money Made by Testator to his Father—Improvidence—Money not Chargeable against Executors.]—An appeal by the executors of the will of R. H. Reid, deceased, from the order of a Surrogate Court upon passing the executors' accounts. The appeal was heard in the Weekly Court, Toronto. LATCHFORD, J., in a written judgment, said that upon the hearing of the appeal he suggested that counsel for the widow of the testator should consider the advisability of bringing an action to determine the validity of the gifts alleged to have been made by the testator to his father. The learned Judge, having been informed that no action would be brought, proceeded to consider the appeal upon the evidence adduced. He was of opinion that the gifts made by the deceased to his father of $600 and $2,690—however improvident they might have been—were not chargeable against the executors. The appeal should, therefore, be allowed, but, in the circumstances, without costs other than those of the Official Guardian, which should be paid out of the estate of the testator. W. C. Mikel, K.C., for the executors. E. J. Butler, for the widow. E. C. Cattanach, for the Official Guardian.