

recovery of tolls upon goods carried, "seize the goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof," etc.

*Held*, that a railway company are not, by this enactment, given a lien on property carried, to such an extent and of so general and wide an application as to allow them to re-take goods which have been delivered, and as to which the ordinary carrier's lien has terminated; the section does nothing more than confirm and establish the carrier's lien; there is the right to seize and detain, but the right must be exercised and enforced before there is an absolute and unconditional delivery of the goods to the consignee.

*Semble*, that in this case there was not a sufficient demand for the tolls due to the defendants, on account of which they seized goods which they had previously delivered to the consignee, the demand being for a gross sum, including a sum for tolls.

*Held*, also, that the defendants, having converted the goods, were liable for damages; and the measure was the value of the goods.

*A. W. Holmested*, for plaintiff. *Hellmuth*, K.C., for defendants.

Clute, J.]

RE MCGARRY.

[April 20.]

*Will—Construction—Book debts—Ejusdem generis.*

The testator bequeathed to his wife the homestead and all the furniture therein with certain exceptions, and some other real estate. He also devised to her all moneys in bank, notes, mortgages and all goods and chattels whatsoever and wheresoever, including his beneficiary certificate in the A.O.U.W.

*Held*, 1. The words "all goods and chattels whatsoever and wheresoever" is a good bequest of book debts. They are ejusdem generis with moneys in bank, notes, mortgages, etc.

2. The words "goods and chattels" are broad enough to cover "book debts."

*German*, K.C., for executor. *F. W. Hill*, for J. H. McGarry.

Meredith, C.J.C.P.]

[April 23.]

COLBECK v. ONTARIO & QUEBEC NAVIGATION CO.

*Appeal—Breach of charter-party—Judgment at trial—Reference to master—Damages.*

Appeal from report of local master at St. Catharines in an