

Rhodes v. Bate, L.R. 1 Ch. 252. The defendant should not, in the circumstances, have accepted from the plaintiff the gift of jewellery; but it was apparent from the offer to return the articles that, if the plaintiff had approached the defendant in a reasonable way before action, they would have been given up, and this litigation would have been avoided. Action dismissed with costs. S. H. Bradford, K.C., for the plaintiff. W. R. Smyth, K.C., for the defendant.

BRITISH NORTH AMERICAN MINING CO. v. PIGEON RIVER LUMBER CO.—SUTHERLAND, J.—NOV. 26.

Trespass—Timber—Recovery of Possession—Damages—Counterclaim—Improvements.—The plaintiffs alleged that the defendants trespassed upon the Princess location owned by the plaintiffs and cut therefrom 2,500 cords of pulp wood and floated them down the Jarvis river, and asked for a declaration that the timber in the river was cut off the Princess location and was the property of the plaintiffs, and for damages and an injunction. The defendant Smith counterclaimed for two sums of \$420.25 and \$52 and for improvements to the plaintiffs' property. The learned Judge held that the defendants were entitled to the declaration asked; that, in the circumstances disclosed in evidence, no sale of the timber was ever made by the plaintiffs to Smith, and Smith could and did make no valid sale to the defendant company; that the plaintiffs were entitled to the possession of the timber; that the plaintiffs were not entitled to substantial damages in respect of the trespass; that the defendant Smith's money demand should be set off against the claim for damages for trespass; and that the alleged improvements were of no substantial benefit to the plaintiffs. Judgment for the plaintiffs for possession of the timber, with costs of action against both defendants. No order as to the costs of the counterclaim. L. G. McCarthy, K.C., and McComber, for the plaintiffs. F. H. Keefer, K.C., for the defendants.

TREBILCOCK v. TREBILCOCK—MASTER IN CHAMBERS.—NOV. 30.

Interpleader—Adverse Claims to Mortgage Interest—Husband and Wife—Payment into Court—Costs—Alimony.—In an action by a wife against her husband for alimony and