

Sup. Ct.]

NOTES OF CANADIAN CASES.

[Chan. Div.]

him to keep the old pieces of saw he still might have. The scrapers were worth, in all, about two dollars (\$2), and were of no use to the respondent. No other conversation took place afterwards between the parties. The Judge who tried the case found that there was no intention on the part of the respondent to corrupt Mireau.

Held, that the Supreme Court on Appeal will not reverse upon mere matters of fact the judgment of the judge who tried the case, unless the matter of the evidence is of such a nature as to convey an irresistible conviction that his judgment is not only wrong, but erroneous; that the evidence in this case in support of the charge of bribing Mireau as well as of the other charges of bribery and treating was not such as would justify an Appellate Court in drawing the inference that the respondent intended to corrupt the voters.

Pagnuelo and St. Jean, for appellants.

Pelletier and Marlet, for respondent.

Nova Scotia.]

WOOD v. ESSON.

Obstruction in navigable waters below low water mark—Nuisance—Trespass—Pleadings.

In an action in tort brought by E. et al. against W. for having pulled up piles in the harbour of Halifax below low water mark, driven in by them as supports to an extension of their wharf. W. pleaded *inter alia* that "he was possessed of a wharf and premises in said harbour, in virtue of which he and his predecessors in title had enjoyed for twenty years and upwards before the action, and had the right of having free and uninterrupted access from and to Halifax harbour, to and from the south side of said wharf with steamers etc.; and because certain piles and timbers placed by plaintiff's in said waters interfered with his rights, he (defendant) removed the same." At the trial there was evidence that the erections which E. et al. were erecting for the extension of their wharf did obstruct access by steamers and other vessels to W.'s wharf.

Held, on appeal (reversing the judgment of the Supreme Court of Nova Scotia) that, as the Crown could not, without legislative sanction,

grant to E. et al. the right to place in said harbour below low water mark any obstruction or impediment so as to prevent the free and full enjoyment of the right of navigation, and that W. had shewn special injury, he was justified in removing the piles, which were the trespasses complained of.

W. Graham, Q.C., for respondent.

R. Sedgewick, Q.C., for appellant.

Nova Scotia.]

ATTORNEY-GENERAL v. FLINT.

30 Vict. ch. 8, sec. 156—*Intra vires*—*Vice-Admiralty Court*—*Jurisdiction of*.

By the 156 section of the Inland Revenue Act, 31 Vict. ch. 8, the Dominion Parliament conferred jurisdiction to entertain suits and prosecutions for the recovery of penalties and forfeitures imposed by the section on the Superior Courts of law of the provinces and the Court of Vice-Admiralty.

Held, that sec. 156, 31 Vict. ch. 8, is *intra vires* of the Dominion Parliament; that although the Vice-Admiralty Court of the Province of Nova Scotia is not a Provincial or Dominion Court, the jurisdiction conferred upon it by the section 156, may be lawfully assumed by the Vice-Admiralty Court.

Valin v. Langlois, 3 S. C. R. I. followed.

R. Sedgewick, Q.C. and *Burbridge*, for appellant.

No one appeared for respondent.

CHANCERY DIVISION.

Proudfoot, J.]

[Jan. 9]

MACDONALD v. MACLENNAN.

Will—Construction—Trust for maintenance and education—Duration thereof—"Steadiness."

A testator by his will, dated May 31st, 1872, after several specific bequests, gave the residue of his real and personal estate to his trustees upon trust to pay to each of his daughters, Josephine and Louise, for life, the annual allowance of \$800 each, which they were then