

property derived specifically from the work in question, notwithstanding that such enhancement in value is one common to all the property affected.

Judgment of STREET, J., 16 O.R. 726, affirmed; BURTON, J.A., dissenting. *Lash, Q.C.*, and *J. E. Robertson* for the appellant. *Biggar, Q.C.*, for the respondents.

CONNELL v. TOWN OF PRESCOTT.

Negligence—Damages—Remoteness—Voluntary incurring of danger.

Where a man, acting as a reasonable man would ordinarily do under the circumstances, voluntarily places himself in a position of danger in the hope of saving his property from probable injury, and of preventing probable injury to the life or property of others, and sustains hurt, the person whose negligent act has brought about the dangerous situation is responsible in damages.

Anderson v. Northern R.W. Co., 25 C.P. 301, distinguished and questioned.

Judgments of BOYD, C., in the Divisional Court, and of STREET, J., at the trial, affirmed; BURTON, J.A., dissenting.

W. R. Meredith, Q.C., for the appellants.

J. A. Hutcheson for the respondent.

HILL v. ASHBURIDGE.

Limitations—Tenants in common—Right of entry—R.S.O., c. 111.

Where a tenant in common out of possession, entitled to an undivided share of a parcel of land, becomes entitled by the decease intestate of another tenant in common to a further undivided share in the same land, a right of entry then accrues to him, not only as to the new undivided share, but also as to the original undivided share, and the Statute of Limitations runs as to the whole of his interest only from that time.

Judgment of MEREDITH, J., reversed.

W. Macdonald and R. A. Grant for the appellants.

G. T. Blackstock and R. McKay for the respondent.

ALLEN v. FURNESS.

Trusts and trustees—Will—Infant—Maintenance—Equity—Receiver.

Under a devise of land to a father "during his life, for the support and maintenance of himself and his (three) children, with remainder to the heirs of his body, or to such of his children as he may devise the same to," there is no trust in favour of the children so as to give them a beneficial interest apart from and independently of their father; but, the children being in needy circumstances, will be entitled as against the father's execution creditor, who has been appointed receiver of his interest, to have a share of the income set apart