

*Lampman v. Township of Gainsborough*, 17 O.R. 191, and *Holleran v. Bagnell*, 4 L.R. Ir. 740, explained and followed.

The statement in Ruegg on Employers' Liability, 4th ed., p. 121, as to the plaintiff being dominus litis, refers to a plaintiff entitled to proceed with the action.

*Held*, also, that the administrator would have the right in her action to claim damages sustained by the personal estate of the deceased.

*Leggott v. Great Northern R. W. Co.*, 1 Q.B. 599, followed.

*D. L. McCarthy*, for defendants. *J. H. Moss*, for plaintiffs *Mummary*. *R. U. McPherson*, for plaintiff *Whalls*.

Divisional Court.]

[Feb. 19.

RE MARTIN AND CORPORATION OF MOULTON.

*Municipal corporations—Closing up road—Necessity for providing another convenient road or way—Farm divided by railway—Separate parcels.*

A farm lot occupied by the owner as one farm was diagonally divided by a railway into two separate parcels, having a farm crossing provided by the railway, giving access from one parcel to the other. In addition to a road which afforded access to the parcel where his residence was, there was another road which gave access to the other parcel, and which except by the farm crossing, was the only mode of access thereto.

*Held*, that the latter road came within s. 629 (1) R.S.O. 1897, c. 223, and could not be closed up by the municipal council, unless in addition to compensation, another road or way was provided in lieu thereof.

A by-law passed by the council directing the closing up of such latter road without the requirements of the statute being complied with was therefore quashed.

Judgment of *Boyd, C.*, reversed.

*Held*, per *Boyd, C.*, that a notice providing that anyone desiring to petition against the passing of a by-law to close a road must do so within one month from the date thereof, is sufficient under s. 632 (1) (a) of the Act.

*J. H. Moss*, for applicant. *S. H. Bradford*, contra.

Boyd, C., Ferguson, J.]

[May 14.

QUIGLEY v. WATERLOO MANUFACTURING CO.

*Parties—Addition of—Separate causes of action—Joinder—Rules 186, 192.*

An appeal by the plaintiff from the decision of *Meredith, C. J.*, ante p. 278, was dismissed without costs.

*Child v. Stenning*, 5 Ch. 695, justified the appeal; but that case, although not expressly overruled or even commented on in the later cases relied on below, is not consistent with them.

*F. A. Anglin*, for plaintiff. *J. C. Haight*, for defendants. *Kirwan Martin*, for proposed defendants.