

*Held*, upon the application of the surviving partners in an action brought against them by the personal representatives of the deceased partner to have the accounts of the partnership wound up, that this clause applied, and the action was stayed and a reference to the arbitrator directed.

*Latchford*, K.C., for defendants. *Orde*, for plaintiffs.

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Divisional Court.]

[Oct. 17.

GEIGER v. GRAND TRUNK RY. CO.

*Damages—Nervous shock—Impact—Railway.*

The plaintiffs were rightfully travelling on a highway in an enclosed vehicle, which was struck by a moving car of the defendants, pushed a short distance sideways, and struck on the other side by a car moving in the opposite direction. The plaintiffs suffered no visible bodily injuries except slight bruises, but complained of mental or nervous shock, and a jury assessed damages therefor.

*Held*, that they were not entitled to recover.

*Victorian Railway Commissioners v. Coultas* (1888) 13 App. Cas. 222, and *Henderson v. Canada Atlantic Ry. Co.* (1898) 25 A.R. 437 followed.

Judgment of TEETZEL, J., reversed, CLUTE, J., dissenting.

*Riddell*, K.C. for appellants. *DuVernet* and *Boulbee*, for respondents.

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Divisional Court.]

REX v. BRECKENRIDGE.

[Oct. 19.

*Alien Labour Act—Consent to prosecution.*

The written consent required by sub-s. 3 of s. 3 of the Alien Labour Act, 60 & 61 Vict. c. 11 (D.), as amended by 1 Edw. VII. c. 13 (D.), for the bringing of proceedings for the recovery of the penalty for an offence against the Act must contain a general statement of the offence alleged to have been committed, the name of the person in respect of whom the offence is alleged to have been committed, and the time and place with sufficient certainty to identify the particular offence intended to be charged.

A consent "to a summary prosecution being maintained under the provisions of the Alien Labour Act against A. for violations of the above Act and amendments thereto," is not sufficient. Conviction quashed.

*W. H. Blake*, K.C., for defendant. *J. G. O'Donoghue*, for private prosecutor.