

Province of Ontario.

COURT OF APPEAL.

HILLIKER v. KNIGHTS OF THE MACCABEES.

*Benevolent society—Non-payment of dues—Forfeiture of benefits—
Life insurance.*

Upon the construction of the special rules of a benevolent society, BURTON, C.J.O., and MACLENNAN, J.A., held that a member had, in consequence of non-payment of dues by him, ceased to be a member and had forfeited his right to benefits, while OSLER and MOSS, JJ.A., took the contrary view. In the result, therefore, the judgment of BOYD, C., in the plaintiff's favour, was affirmed. But see 29 S.C.R. 397.

J. A. Paterson for appellants. Ball, Q.C., and R. N. Ball for respondent.

HIGH COURT OF JUSTICE.

Trial of Actions.
Meredith, C.J.]

EWING v. HEWITT.

[June 19, 1899.

Negligence—Trap-door in sidewalk.

The plaintiff, while walking on the sidewalk in front of the defendant's premises, tripped over a hinge projecting an inch above the sidewalk and broke his leg. The hinge was placed upon the sidewalk by the predecessor in title of the defendant, and formed a portion of two iron doors covering an area under the sidewalk, and used by the defendant for the purpose of getting access to her cellar. A former action brought against the City of Toronto, in which indemnity was claimed over by the city against the present defendant, having failed, in consequence of the plaintiff having failed to establish notice to the city of the alleged obstruction, and the jury having found in the present case that the hinge constituted an obstruction,

Held, that the plaintiff was entitled to succeed, and that the failure in the former action was no bar to his right to recover in the present action.

John MacGregor and R. G. Smyth for plaintiff. A. H. Marsh and A. Cameron for defendant.

Rose, J.]

RE GIBBONS.

[Sept. 30, 1899.

Funeral expenses—Payable by friend—Charge on estate.

Where on the death of a married woman, whose husband was insolvent, and had left for parts unknown, a friend of the wife's assumed responsibility for the funeral expenses, the payment thereof was held to be a charge on the wife's estate and to be payable thereout.

John Hoskin, Q.C., for administrator and infant. C. J. Holman, Q.C., for creditors.