

operated; while others suggested possible improvements or alterations to the hopper, which they thought might overcome the clogging of the sand and lime; on their own shewing, however, these were not persons of mechanical skill; they were inexperienced in the working of this part of the plant, or of hoppers in general, and so were not competent to say whether any other system of operation or any other design of or addition to the hopper was more satisfactory than the one in use. A motion for a nonsuit was made, upon which judgment was reserved. The case went to the jury, who found negligence of the defendants in not having the ladder in the hopper protected, and assessed the damages at \$1,000. The learned Judge (after stating the facts as above) said that there was no evidence that any other system was superior to or safer than this one; and he failed to see that there was any evidence that the defendants committed a breach of their common law duty towards the deceased, especially in view of the position which he occupied in the conduct of the defendants' business. There was equally an absence of the evidence necessary to render the defendants liable under the Workmen's Compensation for Injuries Act. The learned Judge was also satisfied that what the jury found to be the defendants' negligence, namely, failing to have the ladder protected, was not, in the circumstances, negligence for which they were liable. Action dismissed with costs. W. A. Hollinrake, K.C., for the plaintiff. J. Harley, K.C., for the defendants.

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RE SCOTT AND WHITE—MIDDLETON, J.—JAN. 12.

*Trusts and Trustees—Conveyance by Trustees—Consent of Cestui que Trust—Title to Land—Vendor and Purchaser.*—A petition under the Vendors and Purchasers Act to determine the validity of an objection to title. On the 26th September, 1893, the lands in question were conveyed in fee simple to Macdonald and Barnhart, "trustees for Catharine Barnhart." In the grant these words were repeated. On the 9th November, 1895, Macdonald and Barnhart, again described as trustees, conveyed the land to Catharine Barnhart, she joining in the conveyance for the purpose of expressing her consent thereto. The title was registered. All the parties were dead. The objection was, that evidence should be produced shewing the trusts upon which the trustees held the land; that these trusts