of it. There was no hardship in calling upon the defendant to carry out the agreement executed by both parties under seal.

The appeal failed; but, in view of the fact that the plaintiff was out of the jurisdiction and that the land was in Manitoba, the judgment in appeal should, if the defendant desired it, be amended by inserting therein provisions which would secure to the defendant, on payment of the purchase-money, a good title to the land: see Thompson v. Gatchell (1918), 13 O.W.N. 449.

Appeal dismissed with costs.

FIRST DIVISIONAL COURT. MAY 17TH, 1918.

*GOODWIN v. TAYLOR.

Master and Servant—Injury to Servant Working on Farm—Defective Condition of Appliances in Silo—Action for Damages for Injury—Findings of Jury—Negligence—Contributory Negligence—Employment of Competent Workmen to Build Silo—Judge's Charge—Nondirection—New Trial—Damages—Prejudice to Defendant.

Appeal by the defendant from the judgment of MULOCK, C.J.Ex., upon the findings of a jury, in favour of the plaintiff, for the recovery of $4,000 and costs, in an action for damages for injury sustained by the plaintiff, while employed as a labourer on the defendant's farm, by falling from the top of the defendant's silo, by reason of the giving way of the supporting plank, which condition was caused by the negligence of the defendant, as the jury found.

The appeal was heard by MACLAREN, MAGEE, HODGINS, and FERGUSON, JJ.A.

Hugh Guthrie, K.C., S.-G. Can., for the appellant.

M. A. Secord, K.C., for the plaintiff, respondent.

FERGUSON, J.A., in a written judgment, said that the questions left to the jury and their answers were as follows:—

(1) Was the defendant guilty of any negligence which caused the accident? A. Yes.

(2) If yes, then what did such negligence consist of? A. Of not having the plank properly secured.