suicide, duelling, etc., or from natural causes; objection to the sufficiency of the proofs having been taken for the first time in the statement of defence delivered a couple of years afterwards.

*Held*, that the proofs as furnished were sufficient; but in any event objection to their sufficiency, or the right to call for further proofs was waived.

By the policy the death was required to be by accidental bodily injury caused by violent external means; while by s. 152 of the Insurance Act, R.S.O. c. 203, which is to be read with the policy, "accident" is defined as any bodily injury occasioned by external force or agency, and happening without the direct intent of the person injured, or happening as the direct result of his intentional act, such act not amounting to violent or negligent exposure to unnecessary danger. The finding of the jury was, that there was no evidence to satisfy them that the deceased came to his death by his own hand, but he came to his death by external injury unknown to them.

*Held*, that the finding was too vague to be constructed as a finding of accidental death; and a new trial was directed.

*Hamilton Cassels*, and *R. S. Cassels*, for appellants. *G. Lynch-Staunton*, K.C., for respondents.

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From Boyd, C.] FISHER *v.* BRADSHAW [April 11.

*Bills of sale and chattel mortgages—Valid agreement to give mortgage—Mortgage subsequently given—Right to rely on agreement—R.S.O. c. 148, s. 11.*

Where an agreement to give a chattel mortgage was duly made and registered under R.S.O. c. 148, s. 11, and subsequently a mortgage was made and registered, the giving of such mortgage whereby the legal estate became vested in the mortgagee did not revest in the debtor the equitable title, which the mortgagee had by virtue of the agreement, but it continued to exist as before, and the mortgagee is unable to rely on it where the legal mortgage is ineffectual for any purpose. Judgment of BOYD, C., affirmed.

*Gibbons*, K.C., *Russel Snow*, and *L. E. Stephens*, for appellants. *W. A. J. Bell*, for respondents.

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From MacMahon, J.] FALLIS *v.* GARTSHORE. [May 8.

*Negligence—Dangerous premises—Want of screen or guard.*

While a teamster was delivering a load of coke on the defendants' premises, an iron foundry company, he was struck in the eye and injured by a chip, which one of the defendants' workmen, who was cutting off the excrescences on the inside of an iron pipe for the purpose of smoothing it, had chipped off. The accident might have been avoided had there been a screen or guard; or, in the absence of a screen or guard, by the workman stopping work during the delivery of the coke.

*Held*, that the defendants were liable for the injuries sustained.

*Crerar*, K.C., for appellants. *J. W. Nesbitt*, K.C., for respondents.