

15 D.L.R. 332, but the significant remark is made that their Lordships' task was an impossible one. In view of this it is doubtful whether an appeal from the judgment of the Supreme Court will be of any substantial value.

Apart from the importance of the judgment in relation to Dominion corporations the case itself takes a leading position in the long line of cases decided by the Judicial Committee upon the difficult questions arising under the B.N.A. Act. And the decision appears to depart in no particular from the rules laid down by the Committee for the construction and interpretation of the apparently interlocking sub-sections of sections 91 and 92.

G. M. CLARK.

Dominion of Canada.

SUPREME COURT.

N.S.] CITY OF HALIFAX v. TOBIN. [Nov. 10, 1914.

Negligence—Municipality—Misfeasance.

The corporation of Halifax in laying a concrete sidewalk on a street broke up a portion of the asphalt sidewalk of a street crossing it and filled the hole made with earth and ashes. The rain washed away the filling and T. was injured by stepping into the hole.

Held, affirming the judgment appealed from (47 N.S. Rep. 498), that the corporation was guilty of misfeasance and a verdict in favour of T. should stand.

Appeal dismissed with costs.

J. H. Bell, K.C., for appellant. Newcombe, K.C., and Kenney, for respondent.

Man.] [Nov. 30, 1914.

GRAND TRUNK PACIFIC RY. CO. v. PICKERING.

Operation of railway—Transfer of cars—Interswitching—Duty of train crew—Negligent coupling—Scope of employment—Employers' liability—Practice—Questions for jury—Judge's charge.

A train crew of defendants while performing their duty in the transfer yard of another railway company were directed by the yardmaster to remove a special car of freight which was to be transferred to the defendants' railway from amongst a number of other cars in the yard. In order to do so it was necessary to shunt several cars placed in front of the car to be transferred.