

Held, affirming the decision of the Court of Appeal (16 Ont. L.R. 123), which reversed the judgment of the Divisional Court (14 Ont. L.R. 360), DUFF, J., expressing no opinion, that the plaintiff was entitled to the whole of the purchase money without deduction for expense of cutting and transportation.

Held, also, IDINGTON, J., hesitante, and DUFF, J., dissenting, that if necessary the writ and interpleader order could be amended by adding F. as a co-plaintiff with his wife.

Appeal dismissed with costs.

W. H. Blake, K.C., and Anglin, K.C., for appellants. Shepley, K.C., and C. A. Moss, for respondents.

Ont.] THOMPSON v. ONTARIO SEWER PIPE Co. [June 16.]

Negligence—Proximate cause—Finding of jury—Evidence.

T., an engineer, was scalded by steam escaping when the front of a valve was blown out by pressure. In an action for damages against his employers the jury found that the defendants were negligent in running the engine on an improper bed; that they not furnished proper appliances and kept them in proper condition for the work T. was to do, the engine, bed and room all being in bad condition; and that the valve was not defective.

Held, that in the absence of a finding that the negligence imputed to the defendants was the proximate cause of the injury to T. and of evidence to support such a finding the action must fail.

Appeal dismissed with costs.

Robert McKay, for appellant. Hellmuth, K.C., and Greer, for respondents.

Province of Ontario.

COURT OF APPEAL.

Full Court.]

[June 19.]

PETERBOROUGH HYDRAULIC POWER Co. v. McALLISTER.

Banks and banking—Right of bank to carry on business—Assignment of lease—Obligation to pay rent.

In 1905, the defendants, a firm carrying on a milling busi-