

Meredith, C. J., Rose, J., MacMahon, J.]

[April 23.]

RE LUCAS TANNER & CO.

Assignment for the benefit of creditors—Examination of assignor—Unsatisfactory answers—Committal—R.S.O. (1897) c. 147, s. 36; 58 Vict., c. 23 (O).

The provisions of above section do not apply to acts of the assignor. disclosed on examination as having been done before the date of the passing of the original Act, 58 Vict., c. 23 (O). Judgment of FALCONBRIDGE, J., reversed.

John A. Ferguson and O. A. Langley for appeal. Aylesworth, Q.C., contra. John Cartwright, Q.C., Deputy Attorney-General.

Street, J.]

JAMES T. GRAND TRUNK RAILWAY CO.

[April 27.]

Railway—Culvert—Right to fence—Negligence.

A watercourse, which flowed through a culvert under a railway track, became dried up in the summer, and to prevent cattle from passing through it, the railway company had placed gates in the culvert, but which they had neglected to keep up, and by reason of the absence thereof, of which the company was duly notified and required to supply, the plaintiff's cattle, which were pasturing in a field on one side of the track, the watercourse being dried up, got through the culvert into a field on the other side of the track, and from thence on to the railway track where they were injured.

Held, that the railway company was liable for the damages sustained thereby by the plaintiff.

Teetzel, Q.C., and Thompson, for plaintiffs. H. S. Osler, for defendants.

Street, J.]

FARR v. HOWELL.

[April 28.]

Mortgage—Conveyance of equity of redemption by mortgagor—Expropriation proceedings—Right of mortgagor to notice of.

A mortgagor who has conveyed away his equity of redemption is not entitled to notice of expropriation proceedings taken by a railway company with regard to part of the mortgaged lands, and therefore the absence of such notice does not constitute any defence to an action brought against him by the mortgagor on a covenant to pay the mortgage money.

D'Arcy Tate, for plaintiff. P. D. Crerar, for defendant.

Divisional Court.]

THOMPSON v. MCCRAE.

[May 10.]

Division Court—Trial—Adjournment, if costs paid in ten days, otherwise judgment for defendant—New trial—Motion for—Commencement of fourteen days.

Where, at the sittings of a Division Court, a case was "adjourned for