

in which the witness was travelling towards the defendant's house at the time of the accident, it was travelling at a rate not exceeding twelve miles per hour, and was being properly driven and under the control of Robert Hunter; that Hunter had made all proper arrangements for the journey, and that the defendant was not a competent man, and was at the time extremely irresponsible. The learned Judge also said that the evidence of Hunter was given in a frank unhesitating way; that he was a clear-headed intelligent man; and his evidence should be accepted as generally reliable and accurate. A careful perusal of his evidence established the learned Judge that from the time the car left the car until it upset and injured the driver and the deceased Hunter, the car was being driven by the defendant, and that the condition of the car, and the speed at which it was being driven, were such as to be a proximate cause of the accident. The condition of the highway concerned the driver of the car, and therefore the deceased, as he was in a position in which he could not help himself, and therefore the want of repair was the cause of the accident. Judgment for the plaintiff for £2,000 with costs. Mr. Justice K. O. for the plaintiff, O. B. King, for the defendant.

THE COURT OF APPEAL. Mr. Justice K. O. for the plaintiff, O. B. King, for the defendant.

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