

From MEREDITH, C.J.]

[May 11.]

BAIN v. ANDERSON.

*Master and servant—General hiring.*

This was an appeal by the defendants from the judgment of Meredith, C.J., reported 27 O.R. 369, and was argued before Burton, Osler and MacLennan, JJ.A., on the 21st of January, 1897.

Appeal allowed with costs, Osler, J.A., dissenting, the majority of the Court holding that, upon the evidence, there was no definite engagement of the plaintiff, but merely a temporary arrangement pending the reorganization of the business.

McCarthy, Q.C., and S. H. Blake, Q.C., for the appellants.

Gibbons, Q.C., for the respondent.

From BOYD, C.]

[May 11.]

ROBINSON v. DUN.

*Defamation—Libel—Mercantile agency—Privilege.*

A mercantile agency is not liable in damages for false information as to a trader given in good faith to a subscriber making inquiries, the information having been obtained by the mercantile agency from a person apparently well qualified to give it, and there being nothing to make them in any way doubt its correctness.

Judgment of BOYD, C., 28 O.R. 21, reversed.

W. Neshitt, and R. McKay, for the appellants.

Gibbons, Q.C., for the respondent.

From ROBERTSON, J.]

[May 11.]

IN RE TILSONBURG, LAKE ERIE AND PACIFIC RAILWAY COMPANY.

*Trustee—Compensation—Debentures—R.S.O., c. 110, s. 38.*

A person to whom municipal debentures in aid of a railway company are delivered in trust, to be handed over to the company upon the completion of the railway, is a trustee within s. 38 of R.S.O., c. 110, and entitled to compensation.

Judgment of ROBERTSON, J., 28 O.R. 106 (sub nom. *In re Ermatinger*) affirmed, but the amount of compensation reduced.

Laidlaw, Q.C., and J. Bicknell, for the appellants.

Moss, Q.C., and D. W. Saunders, for the respondent.

From FALCONBRIDGE, J.]

[May 11.]

ATKIN v. CITY OF HAMILTON.

*Municipal corporations—Railways—Highway—Damages.*

This was an appeal by the defendants from the judgment of FALCONBRIDGE, J., reported 28 O.R. 229, and was argued before Burton, Osler and MacLennan, JJ.A., on the 17th and 18th of March, 1897.

D'Arcy Tate, for the appellants.

J. Greer, for the respondent.

Appeal allowed with costs, the Court holding that the work in question was being lawfully and necessarily done, and that there was no evidence of want of care.