

has all the responsibilities of a conductor in cases where a train of cars is attached to the engine.

Held, that the driver of a light engine which knocked down and killed the man for whose death the action was brought, was an officer of the company who could be examined for discovery under Rule 487.

Knight v. Grand Trunk Railway Co., 13 P.R., 386, distinguished.

New evidence was allowed to be used upon appeal under Rule 585, and the decision of *FERGUSON, J.*, 13 P.R., 388, was reversed thereupon. The discovery of the new evidence, after a sitting of the Divisional Court had passed, was received as an excuse for delay.

J. W. McCullough for plaintiff.

D. Armour for defendants.

FERGUSON, J.]

[July 4.

MILLER v. SPENCER.

Long vacation—Settling minutes of judgment.

A direction to the Registrar to settle in long vacation the minutes of a judgment pronounced on 30th June was refused.

W. H. Blake for plaintiff.

Q.B.D. Ct.]

[June 27.

IN RE SMITH AND THE CITY OF TORONTO.

Costs—Arbitration—Powers of Arbitrators—35 Vict., c. 79—R.S.O., c. 184, ss. 483, 399—Duty of taxing officer.

By 35 Vict., c. 79, the waterworks commissioners of the City of Toronto were authorized to expropriate lands for the purposes of waterworks, and in case of disagreement to have the value ascertained by arbitration; and by 41 Vict., c. 41, all the powers of the commissioners were vested in the city corporation.

The city corporation, desiring to expropriate certain land for waterworks purposes, passed a by-law reciting the above enactments and authorizing the expropriation, and afterwards served a notice offering to pay the land-owner \$25,000, and, in the event of his not accepting, requiring him "pursuant to s. 393 of the Municipal Act" to appoint an arbitrator. The arbitrators ap-

pointed took the oath prescribed by the Municipal Act, which was different in substance from that prescribed by 35 Vict., c. 79.

Held that s. 483 of the Municipal Act, R.S.O., c. 184, had the effect of superseding the procedure for arbitration provided by 35 Vict., c. 79, and of substituting therefor the procedure for arbitration provided by the Municipal Act; and that the city corporation, having adopted and taken advantage of the procedure provided by the Municipal Act, could not escape the consequences, and therefore the arbitrators had power under s. 399 of the Municipal Act to award costs to the land-owner, there being no power to do so under 35 Vict., c. 79.

Semble, also, that the arbitrators having awarded costs, and their award not having been moved against, it was the duty of the taxing officer to tax the costs.

H. S. Osler for the land-owner.

Biggar, Q.C., for the City of Toronto.

Law Society of Upper Canada.

LAW SCHOOL—HILARY TERM, 1890.

This notice is designed to afford necessary information to Students-at-Law and Articled Clerks, and those intending to become such, in regard to their course of study and examinations. They are, however, also recommended to read carefully in connection herewith the Rules of the Law Society which came into force June 25th, 1889, and September 21st, 1889, respectively, copies of which may be obtained from the Secretary of the Society, or from the Principal of the Law School.

Those Students-at-Law and Articled Clerks, who, under the Rules, are required to attend the Law School during all the three terms of the School Course, will pass all their examinations in the School, and are governed by the School Curriculum only. Those who are entirely exempt from attendance in the School will pass all their examinations under the existing Curriculum of The Law Society Examinations as heretofore. Those who are required to attend the School during one term or two terms only will pass the School Examination for such term or terms, and their other Examination or Examinations at the usual Law Society Examinations under the existing Curriculum.