A specially indorsed writ should state specifically the amount due and when a claim is made for the taxed costs of a foreign judgment the date of the taxation should be stated.

Decision of WALKEM, J., reported ante p. 223, reversed, MARTIN, J., dissenting.

Duff, K.C., for appellant. *Cassidy*, K.C., for respondents.

Martin, J.] FRY *v.* BOTSFORD. [July 29.

Costs—Abandoned appeal—Briefs—Counsel fee—Rules 583 and 790.

On 20th May, the plaintiffs gave notice of appeal, to come on at the November sittings of the Full Court, from an order requiring them to give security for the costs of the action. On 3rd June appeal was abandoned.

Held, on a review of taxation, that respondents were entitled to tax briefs and a counsel fee. Counsel fee under the circumstances fixed at $10. A taxation may be reviewed under r. 583 as well as under r. 790.

Martin, K.C., for appeal. *Sir C. H. Tupper*, K.C., and *Duncan*, contra.

UNITED STATES DECISIONS.

The act of a servant of a railroad company instructed to watch a station and catch burglars, in mistaking a co-employee for a burglar and shooting him through want of proper care, is held, in *Lipscomb* v. *Houston & T. C. R. Co.* (Tex.) 55 L.R.A. 869, to render the company liable.

MASTER AND SERVANT.—The noon intermission is held, in *Mitchell-Tranter Co.* v. *Ehmet* (Ky.) 55 L.R.A. 710, not to sever the relation of a servant to his master, so as to prevent his recovery for an injury resulting from an unsafe working place, received while attempting during that time, by the direction of a superior, to remove broken timbers which render unsafe the work of the employees.

RAILWAY LAW.—A stipulation in a pass releasing the carrier from liability for negligent injuries to one riding thereon is held, in *Payne* v. *Terre Haute & I. R. Co.*, (Ind.), 56 L.R.A. 472, to be valid. Injury to a passenger who in attempting to have her baggage checked, is knocked down in a passageway leading from the ticket office or waiting room to the baggage room, by cabmen who, in sport, are scuffling on the passageway, is held, in *Exton* v. *Central Railroad Company of New Jersey*, (N. J. Err. & App.) 56 L. R. A. 508, to render the railroad company liable, where the occurence of similar conduct on the part of the cabman to the annoyance and injury of passengers was known, or should have been known, to the company.