

being intitled in the action only, and no leave to take the evidence having been obtained from the Court before which the appeal was pending; this to be without prejudice to such other proceedings as the defendants might be advised to take. Costs to the plaintiff in the cause. W. G. Thurston, K.C., for the plaintiff. Frank McCarthy, for the defendants.

WALTERS v. WYLIE—BRITTON, J.—NOV. 1.

Landlord and Tenant—Lease—Provision for Forfeiture—Keeping Intoxicating Liquors for Sale—Failure of Proof—Possession—Damages.]—The plaintiff was the lessee of a house and land at Grimsby Beach. She complained that the defendant, the lessor, had, during the currency of the lease, broken into the house, excluded her from possession, and taken possession of her furniture; and she claimed possession and damages. The defendant justified under a provision in the lease for the avoidance of it and resumption of possession upon the lessee bringing intoxicating liquors upon the premises for the purpose of sale or carrying on any business that shall be deemed a nuisance. The allegation was that the plaintiff kept a disorderly house and sold intoxicating liquor upon the premises. BRITTON, J., referred to certain suspicious circumstances in regard to the occupation of the premises by a woman, under permission from the plaintiff; but found that it had not been proved that the plaintiff, or any one with her knowledge or connivance or consent, did any act, matter, or thing, upon the premises, that would work a forfeiture of the lease; and that the act of the defendant was illegal and unauthorised. Judgment for the plaintiff for possession and \$225 damages with costs. M. J. O'Reilly, K.C., for the plaintiff. P. D. Crerar, K.C., for the defendant.

SMITH v. HAMILTON BRIDGE WORKS CO.—DIVISIONAL COURT—NOV. 1.

Master and Servant—Injury to Servant—Negligence—Orders of Foreman of Works—Use of Implements Insufficient for Purpose of Dangerous Work—Cause of Injury—Workmen's Compensation for Injuries Act—Appeal—Reversal of Judgment on Facts.]—Appeal by the plaintiff from the judgment of