

Full Court]                      MARSHALL v. CATES.                      [Nov. 10, 1903.  
*Master and servant—Negligence—Verdict—Inconsistent answers—Construction of.*

Appeal from judgment of MARTIN, J., in favour of the plaintiff in an action for damages for personal injuries received by the plaintiff while in the employ of the defendant.

In construing a jury's verdict, consisting of a number of questions and answers, the whole verdict must be taken together and construed reasonably, regard being had to the course of the trial.

In an action for damages for personal injuries from an accident happening because of plaintiff's failure to withdraw himself from danger in response to a signal the jury found that the defendant was negligent and that the signal was given prematurely and that the plaintiff should have heard the signal but being busy may not have heard it. The answer to the question as to contributory negligence, to which the jury's attention was directed by the Judge, was "We do not consider that plaintiff was doing anything but his regular work." Judgment was entered for plaintiff.

*Held*, that the judgment must be affirmed.

*E. P. Davis*, K.C., for appellant. *J. A. Russell*, for respondent.

Full Court]                      HOOPER v. DUNSMUIR.                      [Nov. 17, 1903.  
*Practice—Undue influence—Particulars.*

Appeal from an order of DRAKE, J. whereby the plaintiff was ordered to give particulars of undue influence alleged to have been exercised by defendant in obtaining a signature to a certain agreement.

*Held*, dismissing the appeal, that a party alleging undue influence will be required to give particulars of the acts thereof, the practice in this respect differing from that in the Probate division in England. *Lord Salisbury v. Nugent* (1883) 9 P.D., 23, considered.

*Bodwell*, K.C. for the appeal. *Davis*, K.C. and *Luxton*, contra.

## Book Reviews

*Canadian Railway Cases.* A selection of cases affecting Railways recently decided by the Judicial Committee of the Privy Council, the Supreme Court and the Exchequer Court of Canada, and the Courts of the Provinces of Canada, with Notes and Comments, by Angus MacMurchy and Shirley Denison, Barristers-at-law, Vol. II. Toronto: Canada Law Book Company. Half-calf \$7.50.

The authors of this work have in the second volume of the series made