

RE HEWARD AND STEINBERG—RIDDELL, J.—OCT. 14.

*Vendor and Purchaser—Title.*]—Petition by a purchaser under the Vendors and Purchasers Act. The learned Judge, after consideration, said that he thought, on the whole, that the vendor had shewn a good title. Declaration accordingly. No costs. H. H. Shaver, for the petitioner. A. H. F. Lefroy, K.C., for the vendor.

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WALLACE V. CANADIAN PACIFIC R.W. CO.—SUTHERLAND, J.—  
OCT. 14.

*Negligence—Infant “Stealing Ride” on Cow-catcher of Railway Engine—Evidence—Nonsuit.*]—Action by Edward G. Wallace, an infant, by his father as next friend, to recover damages for injuries alleged to have been caused by the negligence of the defendants in permitting the plaintiff to ride upon the cow-catcher of an engine, from which he fell. At the conclusion of the case for the plaintiffs, a motion was made on behalf of the defendants to dismiss the action. The learned Judge reserved judgment; and, subject thereto, the defendants put in their evidence, and the case went to the jury on questions submitted. The learned Judge now said that, having further considered the motion, he thought that it should be granted. He was unable to see that any evidence was submitted on the part of the plaintiffs from which it could be properly inferred that any of the alleged acts of negligence on the part of the defendants set out in the statement of claim caused or contributed to the accident. But, in any event, upon the undisputed facts as disclosed by the evidence of the plaintiffs, the sole cause of the accident was the deliberate, disobedient, and negligent conduct of the injured boy himself. He had been warned by his parents, the defendants’ employees, and others, as to the danger, and appreciated it. He voluntarily assumed the risk of getting on the cow-catcher of the engine, when he saw that those in charge of it were not looking, and remained on it until the engine was put in motion. On then attempting to jump off, he fell, and the accident occurred. Action dismissed with costs, if asked. A. E. Fripp, K.C., for the plaintiffs. D. L. McCarthy, K.C., and W. L. Scott, for the defendants.