

action brought against a river company for their alleged negligence causing the death of one George Hudson by drowning in a flood of water caused by the breaking of one of defendant's dams, holding that no negligence on the part of defendants had been established, and that in any case the primary cause of the accident was the contributory negligence of deceased in persisting after warning in endeavoring to cross the swollen stream. *Hudson v. Napanee River Improvement Co.* (1913), 25 O. W. R. 460; 5 O. W. N. 467.

**Death of employee—Caught in revolving shaft—Negligence of superintendent — Person to whose orders deceased bound to conform—Workmen's Compensation Act—Common law liability—Alleged defective system—Work and place where being carried on unusual—Appeal—Reduction of damages.]**—Litchford, J. (24 O. W. R. 556), held, that where a workman was killed by being caught in a revolving shaft when moving with other men a heavy fly-wheel through a door within a foot or so of the shaft in question, defendants were liable at common law for maintaining a dangerous and defective system, and also under the Workmen's Compensation for Injuries Act, inasmuch as the accident was attributable to the negligent orders of a superintendent to whose orders the deceased was bound to conform. — Judgment for plaintiff for \$4,000 and costs; if only under the Workmen's Compensation Act, for \$2,000 and costs.—Sup. Ct. Ont. (1st App. Div.), varied above judgment by reducing the damages to \$2,000, holding that the defendants were not liable at common law as the work being done and the place where it was being done were unusual.—*Ainslie v. McDougall*, 42 S. C. R. 420, and *Brooks v. Fakkema*, 44 S. C. R. 412, distinguished.—No costs of appeal *Hicks v. Smith's Falls Electric Power Co.* (1913), 25 O. W. R. 294; 5 O. W. N. 301.

**Death of workman — Breach of statutory duty — Contributory negligence — Finding of jury—Evidence—Dismissal of action.]**—Britton, J., held, that contributory negligence is a defence to an action for negligence, even where the accident was occasioned by the neglect of the employer to perform a statutory duty. *Linazuk v. Canadian Northern Coal & Ore Dock Co.* (1913), 25 O. W. R. 584, 5 O. W. N. 642.

**Electric railway — Opening in foot-board on open car — Passenger falling through—Invitation to alight—Damages — Quantum of.]** — Middleton, J., held,

that where the running-board of an open electric car was down and the side of the car was open and unbarred it was an invitation to alight, and where a passenger so alighting was injured by stepping into a hole in such running-board she was entitled to recover damages by reason of such injury fixed at \$2,000. *Jones v. Hamilton Radial Electric Rv. Co.* (1913), 25 O. W. R. 267; 5 O. W. N. 282.

**Highway—Unsafe condition — Snow-drifts—Horse killed—Notice to municipal council.]**—Sup. Ct. Ont. (2nd App. Div.) dismissed appeal from judgment awarding plaintiff \$125 damages for death of horse killed by reason of neglect of municipal council to make highway passable. Council had six months' previous notice to repair. *King v. Limerick Township* (1913), 25 O. W. R. 87.

**Independent contractor—Municipal corporation—Cement mixer on highway—Frightening of horse—Dangerous object — Knowledge of corporation — Liability of.]**—Sup. Ct. Ont. (1st App. Div.) held, that "an employer cannot divest himself of liability in an action for negligence by reason of having employed an independent contractor, where the work contracted to be done is necessarily dangerous, or is, from its nature, likely to cause danger to others, unless precautions are taken to prevent such danger," and consequently a municipality was liable for damages caused by the frightening of a horse by the operation of a cement mixer being operated by an independent contractor.—*Halliday v. National Telephone Co.*, [1892] Q. B. D. 392, referred to. Judgment of Jun. J. Co. Simcoe, reversed. *McIntosh v. County of Simcoe* (1913), 25 O. W. R. 682, 5 O. W. N. 793.

**Injury to person working on highway — Negligence of driver of vehicle owned by defendant—Evidence—Finding of trial Judge—Appeal.]**—Sup. Ct. Ont. (1st App. Div.) held, that the evidence justified the finding of the trial Judge in favour of the plaintiff in an action for damages for the negligence of defendant's servant in causing a steel girder to fall upon the plaintiff. *Kettle v. Dempster* (1913), 25 O. W. R. 115; 5 O. W. N. 149.

**Injury to workmen—Air-drill falling on him—Alleged negligence of fellow-workmen—Findings of jury — Contributory negligence—Dismissal of action.]**—Falconbridge, C.J.K.B., dismissed an action brought by a workman for injuries sustained in defendants' employ caused by an air-drill falling on him, holding