

Mathers, C.J.] LONGMORE P. McARTHUR. [May 4.

*Negligence—Servant against contractor and sub-contractor—Recovery of judgment in action against one a bar to subsequent action against the other—Several tortfeasors—Rights.*

A workman injured in consequence of negligence of the sub-contractor by whom he was employed has the same rights against the principal contractor as he has against the sub-contractor, and he may sue either or both. *Dalton v. Angus*, 6 A.C., per Lord Blackburn, at p. 829, and *Penny v. Wimbedon* (1898), 2 Q.B. 212. (1899), 2 Q.B. 72, followed.

But, if the workman chooses to bring his action against the sub-contractor alone, the recovery of judgment in such action is a bar to a subsequent action against the contractor for the same cause of action. *Brinsmead v. Harrison*, L.R. 7 C.P., at 547, and Pollock on Torts, p. 199, followed.

*Galt*, K.C., for plaintiff. *Wilson*, K.C., for defendants.

Mercalfe, J.] THE KING v. SPEED. [May 12.

*Criminal law—Information—Amendment of, after lapse of time limited by statute—Liquor License Act—Consuming liquor in local option district—Prohibition.*

An information, under sub-s. 32 of s. 30, of 7 & 8 Edw. VII. amending the Liquor License Act, R.S.M. 1902, c. 101, for consuming liquor in territory under a local option by-law discloses no offence unless it alleges that the liquor was purchased and received from some person other than a licensee under said s. 30, and it becomes a new information if amended by adding such allegation. If such amendment is not made within thirty days from the date of the offence, the magistrate has no jurisdiction to proceed under the information and prohibition should issue to prevent him from doing so.

*Rex v. Guertin*, 19 M.R. 33, 15 C.C.C. 251, followed.

*Noble*, for applicant. *Patterson*, K.C., D.A.G., for the Crown.

### Bench and Bar.

We note that Mr. S. A. Hutchinson, barrister-at-law, late of Huntsville, in the Province of Ontario, is now practising in Swift Current, Saskatchewan.