

the case of cows; our farmers do not put halters or bridles on cows, and I can find no authority which compels me to say that they should. I should require express authority.

The statement of Hagarty, J., in the Markham case, I think appeals to common sense, viz., "If animals usually driven, viz., oxen . . . have to approach or cross a railway, we should naturally consider them as in charge when the person or persons driving them could readily head them off or turn them, if necessary, from the track." There is nothing to shew that the 10-year old boy could not have done this—the jury have seen fit to believe his own account of his capacity, and I have no right to interfere with their finding.

I think the plaintiff must have judgment for \$200 and costs on the proper scale.

I have not thought it necessary to refer to the other legislation in the matter, as no advantage seems to be derivable from a consideration of these statutes; I have, however, read all the Acts in *pari materia*.

ANGLIN, J.

FEBRUARY 19TH, 1909.

CHAMBERS.

CLEGGE v. GRAND TRUNK R. W. CO.

Writ of Summons—Service out of the Jurisdiction—Rule 162 (e), (g)—Railway—Carriage of Goods—Contract—Connecting Lines—Necessary or Proper Party—Agency—Partnership—Place of Contract—Place of Performance.

Appeal by plaintiff from an order of the local Judge at Stratford setting aside service of the writ of summons and statement of claim in this action upon the defendants the Toledo, St. Louis, and Western R. R. Co.

W. E. Middleton, K.C., for plaintiff.

R. C. H. Cassels, for defendants the Toledo, St. Louis, and Western Railroad Co.

ANGLIN, J.:—The plaintiff sues to recover damages for failure to deliver at Ogden, in the State of Utah, certain household goods given by him to the defendants the Grand Trunk R. W. Co., on 4th June, 1907, for carriage from