
 REPORTS AND NOTES OF CASES.

 Dominion of Canada.

 SUPREME COURT.

WEST DURHAM ELECTION.

Ont.] THORNTON v. BURNHAM. [May 7.

Election petition—No return of member—Illegal deposit—Parties to petition.

A petition under the Dominion Controverted Elections Act, R.S.C. c. 9, alleged that T. a respondent, who had obtained a majority of the votes at the election, was not properly nominated, and claimed the seat for his opponent; and that if it should be held that T. was duly elected his election should be set aside for corrupt acts by himself and agents.

Held, that T. was properly made a respondent to such petition, which was properly framed under s. 5 of the above Act. Appeal dismissed with costs.

W. D. McPherson, for appellant. *Aylesworth*, K.C., for respondent.

Ont.] INCE v. CITY OF TORONTO. [May 13.

Negligence—Maintenance of streets—Accumulation of snow and ice—Gross negligence.

About 10.30 a.m. on a morning in January a man walking along a street crossing in Toronto slipped on the ice and fell, receiving injuries from which he eventually died. His widow brought an action for damages under Lord Campbell's Act, and on the trial it was shewn that there had been a considerable fall of snow for two or three days before the accident and on the day preceding there had been a thaw followed by a hard frost at night. There was evidence, also, that early in the morning of the day of the accident employees of the city had scattered sand on the crossing, but if so the high wind prevailing at the time had probably blown it away.

Held, affirming the judgment of the Court of Appeal, 27 O.A.R. 410, 36 C.L.J. 419, that the facts in evidence were not sufficient to shew that the injury to the deceased was caused by "gross negligence" of the corporation within the meaning of R.S.O. (1897), c. 223, s. 606 (2). Appeal dismissed with costs.

Aylesworth, K.C. for appellant. *Fullerton*, K.C., and *Chisholm*, for respondent.