

From C.P. Div.]

[Dec. 22.]

TREBILCOCK v. WALSH.

Wager—Illegality—Stakeholder—R.S.C., c. 159, s. 9.

R.S.C., c. 159, s. 9, is aimed at the suppression of the business of betting and pool selling, and does not apply to bets between individuals, whether stakes are or are not deposited in the hands of a third person. And while a bet between individuals as to the result of a parliamentary election is illegal, it is not a misdemeanour to make such a bet, and either party may, before the money has been paid over by the stakeholder, recover back from him the amount deposited by that party.

Regina v. Dillon, 10 P.R. 352, approved.

Judgment of the Common Pleas Division affirmed; BOYD, C., dissenting.

W. R. Meredith, Q.C., for the appellant.

Aylesworth, Q.C., and *J. B. McKillop* for the respondent.

From C.C. Simcoe.]

[Dec. 22.]

FLEMING v. RYAN.

Bills of sale and chattel mortgages—Renewal—Assignment for the benefit of creditors—R.S.O., c. 124, s. 12—R.S.O., c. 125, ss. 11, 15.

An assignee, under an assignment for the benefit of creditors, made and registered pursuant to the Assignments and Preferences Act, R.S.O., c. 124, may renew a chattel mortgage made in favour of his mortgagor, without the execution and registration of a specific assignment of that mortgage. A renewal statement, in itself in proper form, alleging title through the assignment for the benefit of creditors, is sufficient.

Judgment of the County Court of Simcoe affirmed.

T. Hislop for the appellants.

J. R. Roof for the respondent.

From C.C. Huron.]

[Dec. 22.]

ROE v. VILLAGE OF LUCKNOW.

Negligence—Highway—Horse.

A full report of this case as decided by the judge of the County Court of the county of Huron will be found in vol. 29, p. 217.

The mere fact that a horse that is being driven along the highway has been frightened by the whistle of a steam engine, used by the defendants for the purposes of their lawfully operated waterworks, is not sufficient to make the defendants responsible for damages resulting from the horse having run away. Some positive evidence of negligence in the use of the whistle must be given, or, at least, some evidence that the use of the whistle might reasonably be expected to cause such an accident.

Judgment of the County Court of Huron reversed; MACLENNAN, J.A., dissenting.

Garrow, Q.C., for the appellants.

Aylesworth, Q.C., for the respondent.