to the context, but that in this case the wife's land was charged.

A. W. Aytoun-Finlay for the plaintiff.

Hoyles, Q.C., for the defendants.

BOYD, C.] [Nov. 2.

SWEETLAND *v.* NEVILLE.

Married woman—Separate estate—Money in saving bank—Gift of husband.

Where it appeared that a married woman, on the day of entering into a money bond, had deposited in her name in the post office savings bank a certain sum of money which the evidence showed was money given to her by her husband, but of which, as against her husband, she seemed to have the absolute disposal by his consent and wish,

Held, that this was sufficient on which to found a proprietary judgment against the wife, though it was not shown that the bond was not executed at an earlier hour than that at which the money was deposited.

Henderson for the plaintiff.

R. Lees, Q.C., for the defendant.

FERGUSON, J.] [Nov. 7.

JUDSON *v.* CITY OF TORONTO.

Municipal corporation—Ridge of ice—Negligence.

The plaintiff was injured by slipping upon a ridge of ice on a sidewalk opposite a vacant lot. The ridge ran lengthwise of the sidewalk and about the middle of it, and was about four inches high along its middle line, and with a base of about fifteen to eighteen inches wide, the slope of its side being a sharp inclination. The rest of the sidewalk was clear, having had all snowfalls removed from it by the defendants' men, who, however, having no proper implements for removing the ridge of ice, had allowed it to remain. It appeared that the ridge was formed by people travelling along the sidewalk after the snow had fallen in a sort of path or line before the snow had been shovelled off. The defendants had full notice of the existence of this ridge.

Held, that they were responsible in damages to the plaintiff.

J. A. Macdonald for the plaintiff.

H. M. Mowat for the defendants.

Practice.

BOYD, C.] [Nov. 17.

IN RE WILLIAMS AND MCKINNON.

Administrator ad litem—Rule 311—Devolution of Estates Act—Real estate—Application before action.

Rule 311, though in existence (s. 11 of 48 Vict., c. 13 (O.)) before the passing of the Devolution of Estates Act, may be applied as to realty falling under the operation of that act.

If it appears that there is no personalty, or personalty of such trifling amount as will not suffice to answer the claims made in respect of the deceased's real estate against which litigation is brought or is impending, administration *ad litem* made be granted under the rule, limited to the real estate in question.

An application for appointment of an administrator *ad litem* is properly made before action.

Hoyles, Q.C., for the applicant.

J. Hoskin, Q.C., for the infants.

VAUGHAN ROAD CO. *v.* FISHER.

Consolidation of actions—Identity of issues—Test action—Staying proceedings—Separate assessments of damages.

Four actions were brought by the same plaintiffs against different defendants for damages for trespass in refusing to pay toll and forcing past the toll-gates. The pleadings were identical, and the main issue was common to all the actions; but it was admitted that if the plaintiffs had a substantial cause of action, there must be a separate assessment of damages in each case.

Upon a motion by the defendants to consolidate the actions,

Held, that one of the actions should be tried as a test for all, and that proceedings in the other actions should be stayed till the test action should have been determined, after which the assessments should proceed according to the result on the main question; or, if the defendants would each submit to pay the largest amount of damages that might be awarded in the test action, that all proceedings should be stayed in all actions, except that in which the plaintiffs expected to recover the largest amount, and such action should be alone litigated.

C. W. Kerr for the plaintiffs.

A. G. F. Lawrence for the defendants.