in the New York Court were conclusive, and gave judgment for the plaintiff, which was enforced. The present action was brought to recover the 15 instalments accruing from June, 1896, to June, 1910, and interest. MIDDLETON, J., in his written judgment said that the situation disclosed was very peculiar, and, while on the evidence he had no doubt as to the defendant's liability, it seemed most unlikely that it was ever intended that he should be liable for the sums claimed in the action. The former action determined all questions that were, or could have been in issue in it, so that the defendant could not now retry the issue as to the delivery of the bond, and the other defences raised by him are not maintainable. Judgment was therefore given for the amount claimed with costs. A. C. Kingstone, for the plaintiff. M. Brennan, and M. J. McCarron for the defendant.

ANTAYA v. WABASH R.W. CO.—MIDDLETON, J.—MARCH 31.

Railway—Accident—Negligence—Contributory Negligence.] —Action for damages for injuries sustained by being struck by an engine of the Wabash Co. The learned Judge held that on the evidence there was no case of negligence upon the part of the defendants, and that the negligence found by the jury was not in any way suggested by counsel or in the course of the evidence. "The situation was simple. The passengers from the Grand Trunk R.W. train on alighting had to cross the track between it and the platform. The Wabash train was delayed till the track was clear, and then was permitted to come on. The passengers, among whom was the plaintiff, were walking on the platform in a position of perfect safety till the Grand Trunk train drew out and the Wabash passed. The Wabash was visible for a long distance and had been whistling. Apparently all save the plaintiff knew of its approach. She stood on the platform with her umbrella up, and was watching the G.T.R. train depart, and as the last car reached the crossing, she stepped without any warning immediately in front of the Wabash and was injured. The train was only a few feet from her when she stepped down to the track and she was struck before she reached the first rail. The accident . . . was the result of her own negligence, or at any rate something not attributable to defendants' negligence." J. H. Rodd, for the plaintiff. H. E. Rose, K.C., for the Wabash R.W. Co. E. Meredith, K.C., and Forster, for G.T.R. Co.