

I have inquired of the learned County Court Judge before whom the winding-up proceedings were taken and are now pending, who has informed me: (1) that although the appellant's claims were under investigation before him, no adjudication from which there might be an appeal was made upon them; that they were too indefinite and intangible for anyone among several who represented the appellant as well as herself, to present anything that might be so adjudicated upon; (2) that he gave leave to bring an action on the condition that the costs of a former action were paid within 30 days; and (3) that such costs were not paid within that time, but have since been. He also informed me that some question as to his power to grant leave to sue did arise, owing to some changes in the winding-up enactment.

The taxable cost of this appeal should, I think, be costs in the action to the appellant in any event; but there should be a set-off of costs now if any are now payable by the appellant to the respondents.

COURT OF APPEAL.

MAY 15TH, 1912.

GOODCHILD v. THE SANDWICH, WINDSOR & AM-
HERSTBURG RAILWAY CO.

3 O. W. N. 1252.

*Negligence—Street Railway—Person Injured Driving Across Track
—Judgment for Plaintiff—On Findings of Jury.*

Plaintiff while driving a team was injured by collision with a street car of defendant's at a street intersection in Windsor. The jury found negligence on part of defendants and negatived contributory negligence on part of plaintiff.

COURT OF APPEAL dismissed with costs an appeal from a judgment of DIVISIONAL COURT affirming a judgment of BOYD, C., at the trial in favour of plaintiff entered upon the findings of the jury.

Appeal by the defendants from a judgment of a Divisional Court affirming a judgment of HON. SIR JOHN BOYD, C., at the trial, upon the answers of the jury to the questions submitted to them.

The action was to recover damages for personal injuries to the plaintiff and the death of one horse and injuries to