

In a case before the Liverpool County Court the plaintiff's cart with a load of straw was passing over a bridge when the defendants' locomotive underneath emitted a number of sparks, with the result that the straw blazed up, and so rapid was the destruction of the straw and cart that the horses were barely saved. Counsel for the plaintiff referred to the liability of railway companies in such cases, saying a company was bound to construct its locomotives with all appliances known to science for the purpose of preventing the emission of sparks. If this were done a plaintiff had to establish negligence on the part of the driver or stoker. He urged that in this case the great quantity of sparks emitted was in itself evidence of negligence. Counsel for the defence submitted that, unless the plaintiff could satisfy a jury that there was negligence on the part of the company's servants, the mere fact of sparks being emitted and setting fire to the straw in question would not establish the liability of the company. The best-constructed engines emitted sparks occasionally, and when this was not due to carelessness there was no liability at law. His Honour endorsed the views of the defendants' counsel that, the construction of the engine not having been questioned, there was no liability on the part of the defendants, unless the plaintiff could show there had been carelessness in working the engine. The jury, however, found for the plaintiffs for the full amount claimed.—(*Rimmer v. The London and North-Western Railway Company*).

PROCEEDINGS IN APPEAL.—MONTREAL.

Tuesday, November 15, 1892.

*Ouellette & Corporation de Lachine*.—Heard—C.A.V.

*Desrosiers & Cameron*.—Settled out of Court.

Wednesday, November 16.

*Burland & Crilly*.—Heard.—C.A.V.

Thursday, November 17.

*Smith & Davis*.—Heard—C.A.V.

*Filiatrault & Goldie*.—Heard.—C.A.V.

*Mitchell & Trenholme*.—Heard.—C.A.V.

Friday, November 18.

*Rough & E. T. Bank* (Two cases).—Part heard.

Saturday, November 19.

*Rough & E. T. Bank*.—Hearing closed.—C.A.V.

*Letang & Piché*.—Part heard.

Monday, November 21.

*Letang & Piché*.—Hearing closed.—C.A.V.