

withholding of—*Ulterior motives*—*Right to carry wires across streets implied*—*Interim injunction*—*Dissolution of.*]—*Latchford, J., held*, that where a company were granted a franchise by a town for the distribution of light and power, and by the terms thereof were given power to erect poles in the lanes of the town, subject to the direction and approval of the council, that the council were not legally justified in delaying the granting of such approval for ulterior motives. *Town of Walkerville v. Walkerville Light & Power Co.* (1913), 25 O. W. R. 375; 5 O. W. N. 429.

Expropriation by city by-law of outside land for addition to industrial farm—*"Acquire"*—*Municipal Act, 1913, sec. 6*—*Special Act, 1 Geo. V. ch. 119, sec. 5*—*Bona fides*—*Statutory powers*—*Exhausting by original purchase*—*Interpretation Act, 7 Edw. VII. ch. 2, sec. 7 (33).*]—*Motion by Boyle*, the owner of certain lands sought to be taken by the corporation of the city of Toronto, by by-law No. 6353, intitled, "A By-law to Acquire Additional Lands for the Industrial Farm," to quash this by-law.—*Middleton, J.*, refused to quash the by-law on the ground that it was not intended that the power should be exhausted by a single exercise, *holding* that there was no reason to suppose that the by-law was not an absolutely *bona fide* exercise of the municipal powers.—*Re Inglis & Toronto*, 8 O. L. R. 570, distinguished. *Re Boyle & Toronto* (1913) 25 O. W. R. 67; 5 O. W. N. 97.

Judgment—*Contempt of Court*—*Motion to commit*—*Building restrictions*—*"One building"*—*Amendment of plans and structure*—*"Front" of building*—*Reference to architect appointed by Court*—*Undertaking to obey his report*—*Dismissal of motion*—*Terms.*]—*Motion to commit defendant for breach of the injunction herein granted by Teetzel, J.*, (22 O. W. R. 767). Since that judgment defendant had altered her walls, and placed a permanent doorway in the vertical wall formerly dividing the building.—*Britton, J.*, (23 O. W. R. 961) *held*, that the building was no longer two buildings, and that therefore the motion must be dismissed with costs.—*Ilford Park Estates v. Jacobs*, [1903] 2 Ch. 522, 526, referred to.—*Sup. Ct. Ont.* (2nd App. Div.) ordered that if defendant would file an undertaking in one week to follow the plans of an architect to whom the matter had been referred by the Court and pay the costs of the motion and appeal, including the architect's fees, the motion should be dismissed, otherwise it was allowed with costs. *Holden v. Ryan* (1913), 25 O. W. R. 874; 5 O. W. N. 890.

Police officer—*Liability for acts of—Statement of claim*—*Striking out as disclosing no cause of action.*]—*Middleton, J., held*, that a police officer is not *ipso facto* the servant of a municipality and any facts relied on to establish the liability of the municipality for his acts must be expressly pleaded. *McAvoy v. Rannie* (1913), 25 O. W. R. 667; 5 O. W. N. 688.

Waterworks by-law—*Motion to quash*—*City of Ottawa Special Act—3 & 4 Geo. V. c. 109*—*Sum fixed by Act as limit of expenditure*—*Projected scheme to exceed such sum*—*Debentures not sufficient to complete work*—*Discretion.*]—*Lennox, J., held*, that 3 & 4 Geo. V. c. 109, authorising the City of Ottawa to raise a sum not exceeding \$5,000,000 for the construction of waterworks, did not authorize the city to pass a by-law providing for the issue of debentures for \$5,000,000 to be applied on a waterworks scheme which would cost at the least estimate \$8,000,000.—*By-law quashed with costs. Re Clarey v. City of Ottawa* (1913), 25 O. W. R. 340; 5 O. W. N. 370.

NEGLIGENCE.

Damages—*Death of superannuated minister*—*Estate passing to children*—*Expectation of life*—*Beyond normal*—*Evidence as to*—*Benefit from continuance of life*—*Probable savings from pension received by deceased*—*Computation of damages*—*Present worth of five years' pension*—*Appeal*—*Costs.*]—*Boyd, C.*, awarded the children of a superannuated minister killed by the negligence of defendants and who was in receipt of a pension from the superannuation fund of his church, five times the amount of such annual pension as damages for his death, *holding* that his reasonable expectation of life was five years and the probability was from his financial position that the whole of such pension would have been saved by deceased.—*Sup. Ct. Ont.* (1st App. Div.) varied above judgment by awarding in place of the sum awarded the present worth of the five annual instalments of pension.—*Judgment affirmed with above variation, no costs of appeal to either party. Goodwin v. Michigan Central Rv. Co.* (1913), 25 O. W. R. 182; 5 O. W. N. 198.

Death by drowning—*Breaking of dam*—*Action against river company*—*Findings of jury*—*Negligence*—*Evidence*—*Contributory negligence*—*Voluntary assumption of risk*—*Dismissal of action.*]—*Falconbridge, C.J.K.B.*, dismissed an