

From Falconbridge, J.] SMITH v. ONDERDONK. [March 15.
Hire of chattels—Contract—Sub-contract—Defect—Damages.

A contractor for the excavation of a railway tunnel, who, pursuant to the terms of a sub-contract, supplies to a sub-contractor a locomotive for use in the work, is not liable in damages to one of the sub-contractor's workmen for injuries sustained by reason of a defect in the locomotive, that defect being a patent one, and the sub-contractor having accepted the defective locomotive without objection. Judgment of FALCONBRIDGE, J., reversed.

Crerar, Q.C., and D. W. Saunders, for appellants. W. Nesbitt, for respondent.

TATE v. NATURAL GAS AND OIL CO. [April 1.
Parties—Addition of—Rule 206 (2)—Amendment—Alternative claim—Rule 192—Company—President—Contract.

A motion by the defendants and the Ontario Natural Gas Company for leave to appeal from the order of a Divisional Court, ante 194, allowing the plaintiff to add the latter company and an individual as parties defendant, was refused, the court agreeing with the opinion of MEREDITH, C.J., in the Divisional Court.

W. R. Riddell for the applicants. Aylesworth, Q.C., for the plaintiff.

HIGH COURT OF JUSTICE.

Divisional Court.] HENDERSON v. TOWNSHIP OF YARMOUTH. [Dec. 10, 1897.
Municipal corporations—Tiles placed on side of highway—Accident—Negligence.

On the side of a township road, there was a fill of about fourteen feet, with railings on either side, and for the purpose of repairing a culvert, which ran through the fill, a quantity of tiles, of a large size, and of a light gray colour, were piled on the side of the highway in a slight hollow behind the railing, having some planks thrown over them, and a board nailed between the two boards forming the railing, so as to further hide the tiles from view.

Held, that this did not constitute evidence of negligence on the defendants' part so as to render them liable for injuries sustained by the plaintiff by reason of the horse which he was driving becoming frightened at the tiles and running away.

J. A. Robinson, for plaintiff. Glenn, for defendants.

Divisional Court.] BEATTY v. HOLMES. [Feb. 10.
Division Court—Jurisdiction—Insolvent—Sale of quantity of goods and distribution of, amongst certain creditors—Recovery in Division Court by assignee in insolvency.

Where within sixty days of the making of an assignment for the benefit of creditors the insolvent transferred to a person in trust for certain of his