

titled to the order if the debtor had refused to bring the action or had delayed unreasonably.

No order was made, but leave was reserved to the receiver to apply again if the debtor did not proceed with diligence.

A. McLean Macdonell for the receiver.

D. W. Saunders for the judgment debtor.

Notes of United States Cases.

NEW JERSEY SUPREME COURT.

NEW YORK L. E. & W. R. R. v. BALL.

Negligence—Riding in baggage-car.

The plaintiff, who had purchased a ticket for a journey upon defendant's railroad, entered a combination smoking and baggage-car on one of the trains. Such car was the last one on the train; the forward compartment thereof was fitted up as a place for smokers, and the rear end of it was arranged for the carriage of the baggage. Every seat in the smoking compartment was occupied, and plaintiff passed into the baggage compartment. There was a rule of the company, of which plaintiff, however, was ignorant, requiring employees not to permit passengers to ride in baggage-cars. An accident occurred through a collision by a train in the rear.

Held, that the plaintiff, while taking the risk of any injury from dangers inherent in the construction and use of that portion of the car as a baggage compartment, had not, under the circumstances, assumed risks of injury from extraneous causes, and that his action for damages would lie.

EXCHEQUER COURT RULES.

In pursuance of the provisions contained in the 55th section of "The Exchequer Court Act," it is ordered that the following rules in respect of the matters hereinafter mentioned shall be in force in the Exchequer Court of Canada:

1. Rule 116 of the Exchequer Court of Canada is hereby repealed, and the following substituted therefor:

TRIALS.—RULE 116.

When any action is ripe for trial or hearing, a judge may, on application of any party and after

summons served on all parties to the suit, fix the time and place of trial and hearing, and may direct when and in what manner and upon whom notice of trial or hearing together with a copy of the judge's order is to be served, and such notice and order shall be forthwith served accordingly.

Sittings of the Exchequer Court of Canada, at which any action ripe for trial or hearing may be set down for trial by either party thereto, upon giving the opposite party ten days' notice of trial, or by consent of parties, and without taking out any summons, or obtaining any directions as hereinbefore provided, may be held at any time and place appointed by a judge, of which notice shall be published in the *Canada Gazette*.

Such sittings will be continued from day to day until the business coming before the court is disposed of.

On the first day of each of such sittings, the court will hear any argument of demurrer, special cases, motion for judgment, appeal from the Report of the Registrar or other officer of the court, or other motion, application or business which cannot be transacted by a Judge in Chambers.

2. Rule 120 of the Exchequer Court of Canada is hereby repealed and the following substituted therefor:

RULE 120.

In case the judge is unable from any cause to attend on the day fixed for any sitting or for the trial of any issue, such sitting or trial shall stand adjourned from day to day until he is able to attend.

AUTUMN ASSIZES, 1891.

HOME CIRCUIT.

Rose, J.

Orangeville.....	Monday.....	7th Sept.
St. Catharines.....	Monday.....	14th Sept.
Milton.....	Monday.....	21st Sept.
Brampton.....	Thursday.....	24th Sept.
Toronto—Criminal...	Monday.....	28th Sept.
Toronto—Civil.....	Monday.....	5th Oct.

MIDLAND CIRCUIT.

Armour, C.J.

Barrie.....	Tuesday.....	8th Sept.
Hamilton.....	Tuesday.....	15th Sept.