

DIARY FOR APRIL.

2. Sunday.....*Easter Sunday.*
3. Monday.....London Chy. sittings. Guelph Assizes. Co. Ct. sittings.
for motions. Surrogate Ct. sittings.
4. Tuesday.....Exchequer Court sits at Toronto. Co. Ct. non-jury
sittings, except in York.
5. Wednesday...Canada discovered, 1499.
6. Thursday....St. Catharines Chancery sittings.
7. Friday.....Great fire in Toronto, 1847.
9. Sunday.....*Low Sunday. 1st Sunday after Easter.*
10. Monday.....Co. Ct. non-jury sittings in York. Kingston Assizes.
13. Thursday....Toronto Criminal Assizes begin.
16. Sunday.....*2nd Sunday after Easter.*
17. Monday.....Exchequer Court sits at Ottawa. Brantford Assizes.
Last day for notice for call.
18. Tuesday.....Belleville Chancery sittings.
23. Sunday.....*3rd Sunday after Easter.*
24. Monday.....Peterboro Assizes. Earl Cathcart, Gov.-Gen., 1846.
25. Tuesday.....Ottawa Chancery sittings.
27. Thursday...Toronto captured (Battle of York), 1813.
29. Saturday....Last day for filing papers for certificate and call
and payment of fees.
30. Sunday.....*4th Sunday after Easter.*

Reports.

COUNTY COURT OF THE COUNTY OF HURON.

(Reported for THE CANADA LAW JOURNAL.)

ROE v. VILLAGE OF LUCKNOW.

*Use of highway—Steam whistle close to road frightening horse of traveller—
Liability—Courts.*

Defendants built on their own land close to a highway an engine house, attached to which was a steam whistle used to signal workmen at the other side of the village. The plaintiff was driving along the road, and as he was passing the whistle sounded. The noise frightened the horse, which ran away. The plaintiff sued for the damage which resulted.

Held, (1) that the defendants were liable without proof of negligence.

(2) There was no contributory negligence on the part of the plaintiff even if he were, as was contended, driving with a loose rein, the negligence of the driver not being the proximate cause of the accident.

[GODERICH, February 20, 1893.]

This was an action tried at the last December sessions held at Goderich, before DOYLE, J.J., without a jury.

The facts were that the defendants built an engine house within the village limits on their own land, immediately adjoining the highway, for fire protection and street-watering purposes, and placed a steam whistle on the roof, about twenty feet from the street. The whistle was intended to signal the branchmen when to take or cease taking water from the pipes laid through the village. The village stands on uneven ground, and if the pipes in the lower part of the village are left open after the engine quits pumping the water escaping will