

K.C., and R. U. McPherson, for the plaintiff. W. N. Tilley, K.C., for the defendants Demorest and Black. R. S. Robertson, for the defendant Jefferson.

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CARROLL V. EMPIRE LIMESTONE CO.—FALCONBRIDGE, C.J.K.B.  
—FEB. 1.

*Landlord and Tenant—Expiry of Lease—Recovery of Possession—Right of Tenant to Set up against Landlord Title Derived from Crown.*]—Action by a landlord to recover possession of land from the defendants, whose lease had expired, but who set up a right under a patent from the Crown. The action was tried without a jury at Welland. The learned Chief Justice, in a short written judgment, said that he agreed with the contentions of the plaintiff's counsel, and that there should be judgment for the plaintiff with costs. Wallace Nesbitt, K.C., and H. D. Gamble, K.C., for the plaintiff. W. M. German, K.C., for the defendants.

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WALSH V. INTERNATIONAL BRIDGE AND TERMINAL CO.—LENNOX,  
J.—FEB. 2.

*Negligence—Death of Plaintiff's Husband by Falling from Bridge—Evidence—Findings of Jury—Contributory Negligence—Intoxication.*]—Action by the widow of William Walsh to recover damages for his death by falling from the International Bridge. The plaintiff alleged negligence on the part of the defendants. The action was tried with a jury at Fort Frances. Upon questions submitted to them, the jury found all the issues in favour of the plaintiff, and assessed the damages at \$5,000. LENNOX, J., in a written judgment, said that there was evidence upon which the jury could reasonably find that the defendants were guilty of negligence causing the fatality. The whole structure (the bridge) was owned and operated by the defendants for profit. The deceased was a patron or customer of the defendants, and they were bound to exercise reasonable care for his safety. The jury were right in negating contributory negligence. The deceased had been drinking, but was not in a condition to be dangerous to himself; and drunkenness is not in itself contributory negligence. Counsel for the defendants repudiated any question of suicide. It was a case of *res ipsa loquitur*. Judgment for the plaintiff for \$5,000 with costs. The damages will be apportioned among the plaintiff and her children when she files an affidavit giving particulars. C. R. Fitch, for the plaintiff. A. G. Murray, for the defendants.