

under said sections for the assessment of compensation so as to have the damages settled for all time, with a limited stay of the judgment.

W. T. Henderson (of Brantford), for plaintiff. *Carscallen*, K.C., for defendants.

Magee, J.]

[Dec. 8, 1905.

KELLY v. TOWNSHIP OF WHITCHURCH.

Municipal corporations—Accident—Negligence—Lumber remaining on highway.

On the side of a road allowance in front of a saw mill, large quantities of logs, bark and rubbish were allowed to be piled and to be left there. The plaintiffs were driving with their horse and buggy along the allowance, while passing the place in question, when the horse became frightened and swerved from the beaten track in the direction of the said pile, and, in attempting to turn back again on to the road the front wheel of the buggy came in contact with a log lying about two or three feet from the said travelled way, whereby the buggy was over-turned, and the plaintiffs thrown out and injured.

Held, that the defendants were liable therefor.

Fitch, for plaintiffs. *Watson*, K.C., and *J. Mc Hough*, for defendants. *Boulthée* and *Macdonald*, for third party.

Province of Nova Scotia.

SUPREME COURT.

Full Court.]

THE KING v. HOPE YOUNG.

[Dec. 2, 1905.

Criminal law—Police officer—Admission secured without preliminary warning—Repetition to others—Burden on Crown as to influence—Waiver by counsel.

Defendant while confined in jail awaiting trial on a charge of murder was visited by a detective who had been sent by the Provincial Government to enquire into the case and who, without preliminary warning or caution of any kind, succeeded in obtaining from defendant an admission that a statement made by her previously was untrue. Shortly afterwards the same admission was made to the prosecuting officer in the presence of defendant's counsel.