

MORRISEY v. THOMPSON—FALCONBRIDGE, C.J.K.B.—MARCH 13.

*Contract—Money Due under—Account—Reference—Lien on Land.*]—Action for an account of moneys due to the plaintiff under an agreement between the defendant and one Howard, who had assigned to the plaintiff, for payment of the amount which might be found due, and for a declaration of the plaintiff's right to a lien upon the defendant's land therefor. The action was tried without a jury at Sandwich. FALCONBRIDGE, C.J.K.B., in a written judgment, said that he agreed with the contentions of the plaintiff's counsel, and directed judgment to be entered after 15 days for the plaintiff as prayed, with costs up to judgment, and a reference to take the account. Further directions and subsequent costs reserved until after the Master shall have made his report. A. R. Bartlet and H. L. Barnes, for the plaintiff. F. D. Davis, for the defendant.

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SHILSON v. NORTHERN ONTARIO LIGHT AND POWER CO. LIMITED—  
MASTEN, J.—MARCH 15.

*Negligence—Injury to Infant by Electric Shock upon Premises of Power Company—Evidence—Nonsuit.*]—Action by an infant, suing by his next friend, for damages for injuries sustained from an electric shock upon the defendants' pipe-line. The plaintiff alleged negligence on the part of the defendants. The action was tried with a jury at Haileybury. MASTEN, J., in a written judgment, said that, at the close of the plaintiff's case, counsel for the defence moved for a nonsuit, and the hearing of that motion was enlarged until after the evidence for the defence had been put in and the case had gone to the jury. The motion was then renewed. The learned Judge said that, notwithstanding the very able argument of counsel for the plaintiff in answer to the motion for a nonsuit, the motion must succeed. Without determining whether the plaintiff was a trespasser or a licensee when walking upon the pipe-line of the defendants, the learned Judge found that the evidence adduced failed to disclose any duty owing to the plaintiff by the defendants which they failed to observe and perform. There was no evidence proper to be submitted to the jury in support of question No. 7, or upon which they could find as they had. Consequently the action must be dismissed, and with costs, if demanded. W. A. Gordon and J. S. Allan, for the plaintiff. R. S. Robertson, for the defendants.