town of L. excavated the sidewalk preparatory to putting in the concrete, and as a temporary crossing for the public and the men employed in carrying on the work, laid down a piece of plank, one end of which rested on the curbstone and the other end on the ground near the entrance to the post office. The evidence shewed that the plank was defectively placed, and that it fell a number of times in consequence, and that it fell while plaintiff was crossing it, causing the injuries for which the action was brought. There was no evidence to shew that the town or the town authorities participated in the doing of the work, or that they were applied to for or gave a permit for the opening up of the sidewalk, although they had knowledge that the work was being done.

Held, that under the circumstances mentioned the town was not liable for any act of misfeasance on the part of the contractor or his principal.

Maguire v. *Liverpool* (1905) 1 K.B. 767 followed.

Mellish, K.C., and *Lane*, in support of appeal. *J. J. Ritchie*, K.C., and *Chesley*, K.C., contra.

The Full Court.]   [April 2.

FINKLESTEIN *v.* GLUBE.

Attorney and client—Settlement of case out of court by parties —Costs.

Where the parties to an action, after the same has been set down for trial, without the knowledge of their respective solicitors, settled the action out of court, and there was an application by plaintiff's solicitor for leave to tax his costs, or, in the alternative, for leave to continue the action for the purpose of recovering costs against defendant.

Held, that the rule is clear that such an application can only be successful where there is good ground for holding that there was collusion between the parties for the purpose of cheating the solicitor out of his costs.

O'Connor, K.C., in support of appeal. *J. D. Davison*, contra.

The Full Court.]   [April 2.

THE CHAMBERS ELECTRIC, ETC., CO. *v.* THE PATILLO CO., LTD.

Electric light company — Recovery for current supplied — Schedule rates—Options.

In an action by plaintiff company to recover for electric light