respect, the rule adopted in Coghlan v. Cumberland, [1898] 1 Ch. 704, and Beal v. Michigan Central R.R. Co., 19 O.L.R. 502, applies.

RIDDELL, J., dissented as to reversing the judgment on the facts, and was in favour of dismissing the appeal.

Appeal allowed; RIDDELL, J., *dissenting.*

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*BATEMAN v. COUNTY OF MIDDLESEX—DIVISIONAL COURT—NOV. 27.

Damages—Personal Injuries—Obstruction in Highway—Absence of Warning—Liability of Municipal Corporation—Assessment of Damages—Evidence—Refusal to Submit to Operation—Reasonableness—Neurasthenia.]—Appeal by the defendants from the judgment of RIDDELL, J., 24 O.L.R. 84, 2 O.W.N. 1238. The appeal was heard by BOYD, C., LATCHFORD and MIDDLETON, JJ. The Court dismissed the appeal with costs. Sir George C. Gibbons, K.C., and J. C. Elliott, for the defendants. T. G. Meredith, K.C., and J. M. McEvoy, for the plaintiff.

WILLIAMS v. TAIT—MASTER IN CHAMBERS—NOV. 30.

Particulars—Statement of Claim—Infringement of Patent for Invention.]—Motion by the defendant for particulars of paragraph 5 of the statement of claim, the cause being at issue, and both parties having been examined for discovery. The action was for the alleged infringement of the plaintiff's patent. By paragraph 5 it was alleged that "the defendant has infringed the said letters patent, and has made, constructed, and used, and vended to others, . . . lenses made according to the invention in respect of which the letters patent were granted." The defendant stated that he was in doubt whether the plaintiff alleged and intended to prove an infringement by using the process described in the letters patent, as well as in selling the finished product. On examination for discovery, the plaintiff said that he was claiming to restrain the defendant from the output

*To be reported in the Ontario Law Reports.