acted entirely independently of the carrier.—*Eaton* v. *Bos. & Low. Railway Co.*, 11 Allen, U. S., 500.

Where a railway passenger, on arriving at his place of destination, takes his baggage into his own exclusive possession and control, but afterwards, for his own convenience, hands it to the baggage-master at the depôt to be kept until sent for, the company is not liable for the baggage as a common carrier, but is liable only for gross negligence, the bailment being gratuitous.—*Minor* v. *The Chi. & N. W. Railway*, 19 Wis., U. S, 40.

The conductor of a street railway car may exclude or expel therefrom a person whose conduct or condition, by reason of intoxication or otherwise, is such as to render acts of impropriety, rudeness, indecency or disturbance, either inevitable or probable, although he has not committed any act of offence or annoyance.—*Vinton* v. *Middlesex R. R. Co.*, 11 Allen, U. S., 304.

Principal and Agent.—An agent's authority to collect money for his principal, is not revoked by the mere appointment of another agent with like authority; and a payment by the debtor to the first agent, although after receiving notice of the appointment of the second, will discharge the debt, if there is no other evidence of a revocation of the first agent's authority—*Doval* v. *Quimby*, 11 Allen, U. S, 208.

Light—Prescription—Special user—Purposes of trade.—The plaintiffs, who had occupied their business premises in Crown-court, Old Broad-street, London, as silk merchants, for about fourteen years, sought to restrain the defendants from raising their house in the same court to a greater height than would permit of the free access of light to a window in the plaintiffs' premises in the same degree as the plaintiffs had theretofore enjoyed it. The defendants' building was completed before the hearing of the cause. The plaintiffs had used the room with the window in question, which faced to the west, as a sample room, and they maintained that, an even light being necessary for the purpose of inspecting samples of raw silk, the effect of the new building was, before mid-day, to diminish their light, and, in the afternoon, to cast upon their window an increased and reflected light, which was uneven, and unfit for the purposes of their trade.

Held, first, that, assuming the room in question to have been used for any purpose requiring an ordinary amount of light, the plaintiffs had failed to establish a case for the interference of the court; and, secondly, upon the question whether they were entitled to an injunction on account of the particular kind of light which they required for the special purposes of their trade, the plaintiffs had no case, inasmuch as they had not proved an open and uninterrupted enjoyment of their special user of light for a period of twenty years.—*Lanfranchi* v. *Mackenzie*, 16 L T.N.S. 114.

Negligence—Highway—Sewerage works—Contractor.—A contractor under the Metropolitan Board of Works having completed a sewer beneath a public highway, and filled up the excavation in a reasonably proper manner, a subsidence of the road took place two or three months afterwards, and caused a hole, into which the plaintiff's horse and cart ran in the night time, and suffered damage.

Held, that the contractor was not liable for the damage.—*Hyams* v. *Webster*, 16 L. T. N. S. 118.

UPPER CANADA REPORTS.

QUEEN'S BENCH.

(*Reported by* C. Robinson, Esq, Q. C., *Reporter to the Court.*)

Kinghorn and the Corporation of the City of Kingston.

By-Law—Markets—C. S. U. C. ch. 54, sec. 294—Affidavit not entitled in any court—Verification of by-law.

A by-law prohibiting any person bringing produce, articles, commodities or things to a city market, from selling or offering the same for sale within the city limits, on their way to market, or without having paid market toll, and before offering such things for sale in the market—*Held*, illegal, and quashed, as beyond the power of the corporation.

An affidavit in support of the motion, not entitled in any court, but sworn before a commissioner styling himself "A Commissioner in B. R. and C. P." &c. *Held*, sufficient.

The copy of the by-law filed was under the seal of the municipality, and sworn to have been received from the clerk, and opposite the seal was the signature "M. Flanagan, City Clerk," with the words, "A true copy," above. *Held*, sufficiently verified.

Held, also, that on the affidavits, stated below, it sufficiently appeared that the applicant was a resident of the city of Kingston.

[M. T., 1866.]

Adam Crooks, Q. C., obtained a rule calling on the corporation of the city of Kingston to shew cause why section 48 of their by-law, passed on the 21st of June, 1864, entitled A By-law to regulate the public Market of the City of Kingston, should not be quashed with costs, on the following grounds: 1. That such section is in excess of any authority conferred by law on said corporation. 2. It is not within the powers conferred on such corporation by the 8th sub-sec. of section 294, of ch. 54 Consol. Stat. U. C., or any other clause or sub-section of that act. 3. Because it assumes to order that all produce, articles, commodities, and things brought to the market for sale, must, before being sold, be offered for sale at the proper market place And lastly, because it assumes that market toll must be paid on articles, commodities or things, before they are offered for sale in any of the public streets, houses, or within the limits of the city.