

and injured by an engine and tender at a railway crossing where eight tracks crossed the road and where trains were continually shunting,

Held, that where the company are not able to comply with the terms of s. 256 of 51 Vict., c. 29, as to ringing a bell or sounding a whistle, at least eighty rods from a crossing, because the engine starts to cross within that distance, some other kind of precaution should be taken to warn the public of danger; and where, as in this case, the crossing is unusually dangerous, it is incumbent upon them to use even greater and other precautions than those required by the statute.

Held, also, that an engine with tender, moving reversely, is a "train of cars" within the meaning of s. 260, and some one should be stationed on the tender to warn persons crossing the track.

The rule, "stop, look, and listen," as applied by the Pennsylvania State Courts to persons about to cross a railway track, is not in force here, and is not one that should be adopted.

Elgin Meyers for the plaintiff.

Wallace Nesbitt and *Angus MacMurchy* for the defendants.

IN RE DUNLOP.

Liquor License Act—R.S.O., c. 194, s. 91—Construction of transfer of license—Certificate of electors—53 Vict., c. 56, s. 1—County judge—Jurisdiction to revoke license.

Section 91 of the Liquor License Act, R.S.O., c. 194, is a penal enactment and is to be construed strictly; and as it refers only to "a license issued" contrary to any of the provisions of the Act and not to a "license transferred," and to the licensee and not to the transferee, a county judge has no jurisdiction under it to entertain a complaint against a transferee that a license has been improperly transferred to him, and has no jurisdiction under it to revoke or cancel a license not already issued.

The applicant was, in the month of March, 1891, the holder of a wholesale license to sell liquor in premises in polling subdivision 10 in a city. The holder of a shop license in polling subdivision 18 transferred his license to the applicant on the 26th March, 1891. On the same day the license commissioners, on the petition of the applicant, not accompanied by a

certificate signed by a majority of the electors in polling subdivision 10, consented in writing to the transfer of the shop license, and to its transfer to the premises in polling subdivision 10, and also cancelled the applicant's wholesale license.

Held, that the commissioners erred in consenting to the transfer of the shop license to the premises of the applicant in polling subdivision 10 without his petition therefor being accompanied by the certificate required by 53 Vict., c. 56, s. 1.

DuVernet for the applicant.

Langton, Q.C., for the commissioners.

Chancery Division.

ROBERTSON, J.]

[Feb. 17.

ZIMMER v. GRAND TRUNK RY. CO.

Action for negligence—Railway companies—Limitation of actions—Grand Trunk Railway—C.S.C., c. 66, s. 83—51 Vict., c. 29, s. 287.

Held, that s. 287 of the Railway Act, 1888, 51 Vict., c. 29 (D.), by implication repeals C.S.C., c. 66, s. 83, and, therefore, the plaintiff was not barred of his action for damages for negligence against the defendants in respect to injuries sustained through disrepair of one of their bridges by the lapse of six months since the accrual of the cause of action, but has one year within which to commence his action.

Rowe for plaintiff.

W. Nesbitt for defendants.

RE CAMERON, MASON v. CAMERON.

Insurance for benefit of wives and children—Apportionment by will—R.S.O. (1887), c. 136—53 Vict., c. 39, s. 6.

On May 26th, 1885, the testator insured in the Canadian Mutual Aid Association, payable to his wife if she survived him; if not, to his children. On October 6th, 1887, he also insured in the Canadian Order of Foresters, payable to his wife and children. On August 12th, 1891, he made his will, bequeathing to his wife one-half of his life policies for her life and widowhood and, after her decease, to be given to his surviving children in equal proportions.