

From Divisional Court.] ELGIE v. BUTT. [Jan. 24.

*Arrest—Foreigner—Staying temporarily in Ontario.*

A foreigner who contracts a debt in the country of his domicile and then comes to this province to stay temporarily cannot be arrested here in respect of that debt when in good faith about to leave this province to return home. Judgment of Divisional Court reversed.

*W. M. Douglas* for appellant. *Garrow*, Q.C., for respondent.

From Divisional Court.] [Jan. 24.

LEIZERT v. TOWNSHIP OF MATILDA.

*Municipal corporation—Damages—Non-repair of highway—Notice of accident.*

The notice in writing of the accident and the cause thereof, referred to in the Con. Municipal Act, 1892, s. 531, s-s. 1, as amended by 57 Vict., c. 50, s. 13, O., and 59 Vict., c. 51, s. 20, O., is not necessary when the accident is the result of non-repair of a highway which two or more municipalities are jointly liable to keep in repair. Judgment of Divisional Court, 34 C. L. J. 87; 9 O. R. 98, affirmed, MACLENNAN, J.A., dissenting.

*Adam Johnston* for appellants. *Irwin Hilliard* for respondent.

From Divl. Court.] [Jan. 24.

FOLEY v. TOWNSHIP OF EAST FLAMBOROUGH.

*Municipal corporation—Damages—Highway—Want of repair—Negligence of driver.*

A highway in a thickly settled district, over which there is much traffic, is out of repair, within the meaning of the statute, when a large stump is allowed to stand in the highway, just at the edge of the travelled way.

Where horses are running away because of no fault of the driver, and while he is still endeavouring to recover control of them, he sustains injury owing to such defect in the highway, he is entitled to damages.

The contributory negligence of the driver of the vehicle in such a case is not an answer to an action for injuries sustained by an occupant thereof, who has in good faith entrusted himself to the driver's care.

Judgment of a Divisional Court, 34 C. L. J., 123; 29 O. R. 139, reversed.

*Staunton*, for appellants. *Evans*, for respondents.

From Divl. Court.] O'CONNOR v. GEMMILL. [Jan. 24.

*Solicitor—Agreement for compensation—Champerty—Exchequer Court—Taxation.*

An agreement by a solicitor to prosecute a claim to judgment at his own expense in consideration of his receiving one-fourth of the amount which should be recovered is champertous and void.