

land; and that said writ was properly served. *Newby v. Colt's Patent Firearms Co.*, L. R. 7 Q. B. 293; s. c.

GOOD-WILL.

The defendant, who had sold the good-will of a business to the plaintiff, began business again, giving out that the same was a continuation of his former business, and soliciting his former customers for orders. *Held*, that the defendant was entitled to publish any advertisement or circular to the world at large announcing that he was carrying on said business, but was not entitled by private letter, or by a visit, or by his agent, to solicit a customer of the old firm to transfer his custom to him, the new firm.—*Labouchere v. Dawson*, L. R. 13 Eq. 322.

NEGLECT—CONTRADICTORY EVIDENCE—NONSUIT.

The defendant having charge of the plaintiff's colt, took it to a blacksmith's shop to be shod for the first time, and having tied it there went out. The colt pulling back, threw itself, and received injuries of which it died. The plaintiff sued the defendant for negligence in so tying the colt instead of having it held while being shod; and several witnesses were of opinion that what the defendant had done was improper, while others thought he had adopted the proper plan.

Held, not a case in which there should be a nonsuit, on the ground that the evidence was consistent either with the existence or non-existence of negligence; but that the question was for the jury. *Cotton v. Wood*, 8 C. B. N. S. 568, and *Jackson v. Hyde*, 28 U. C. R. 294, distinguished. —*Henderson v. Barnes*, 32 U. C. R. 176.

[In giving judgment, the court used the following language:—"In the present case, it can hardly be said that any question of skill or science arises. It is, properly speaking, a mere matter of opinion, and any juror could, after hearing the facts, equally well judge of the propriety of the acts complained of, as any witness called to pass his opinion as to them. Affirmatively, there was abundance of testimony of negligence, in the opinion of the plaintiff's witnesses. Can we say that it is not evidence of negligence to take a colt to a blacksmith's shop to be shod for the first time, to tie him there by the neck, and to leave it so tied, with no person to look after the animal or watch it, and being so left it gets injured, and, as alleged, from the colt being so tied and untended? Witnesses may be called and testify that they would have done just what the defendant did, and that they could see no negligence; but it is obvious there are various

circumstances to be considered in cases of this nature; for instance, much depends upon the temper and character of the horse; what would be considered a proper course with one horse, might be a very negligent way of treating another."]

NEGLECT.

Defendant, in pursuance of a contract, laid down a gas-pipe from the main to a metre in the plaintiff's shop. Gas escaped from a defect existing in the pipe when laid, and the servant of a gas-fitter employed by the plaintiff went into the shop to find out the cause, carrying a lighted candle. The jury found that this was negligence on the servant's part. The escaped gas exploded and damaged the shop. *Held*, that the defendant was liable, and was not exonerated by the negligence of said servant.—*Burrows v. March Gas and Coke Co.*, L. R. 7 Ex. (Ex. Ch.) 96; s. c. L. R. 5 Ex. 67.

RAILWAY.

A railway company gave the plaintiff notice that it would require his leasehold premises, and subsequently entered into possession and paid for the same. *Held*, that the plaintiff was entitled to a decree that the company should accept an assignment of the lease and engage to indemnify the plaintiff against the rent and the covenants in the lease.—*Harding v. Metropolitan Railway Co.*, L. R. 7 Ch. 154.

SLANDER.

Action for slander in imputing adultery to the plaintiff whereby she was injured in her character and reputation, and became alienated from and deprived of the cohabitation of her husband, and lost and was deprived of the companionship and ceased to receive the hospitality of divers friends. On demurrer, *held*, that the alleged loss of hospitality was sufficient to sustain the declaration, and was such a consequence as might reasonably and naturally be expected to follow the use of such slanderous words. Also, that the real damage was to the wife, and would sustain an action by husband and wife. — *Davies v. Solomon*, L. R. 7 Q. B. 112.

WILL.

Testator being tenant of a farm from year to year, bequeathed his farming stock, consisting of consumable articles, to his wife during the term of her widowhood, and then over.

Held, that the gift was made for the purpose of enabling her to carry on the testator's business of a farmer, and that she was entitled to an interest in the stock during her widowhood only, the ordinary rule as to *res quæ usu consumuntur* not applying.—*Cockayne v. Harrison*, 26 L. T. N. S. 385; 8 L. J. N. S. 215.