

that there was no evidence that the injury to the plaintiff was caused by any negligence or default of the defendants, and directed a verdict and judgment to be entered for the defendants. The plaintiff, thereupon, moved to set aside this verdict and judgment, and the question for the Court was, whether the judge was right in the direction he gave. May, C.J., and O'Brien, J., held, that the injury to the plaintiff was not the result of any negligence by the defendants, and that the direction of the trial judge was right; though, of course, as regards the negligence of the defendants, the case would have assumed a different aspect had the railway carriage been in fact overturned in consequence of the defect in the machinery, or the plaintiff injured by the direct consequence of that defect, instead of by reason of rashly jumping out, without inquiry, immediately on hearing the cry of "fire." Johnson, J., agreed in the decision, but without deciding whether there was evidence of negligence on the defendants' part for the jury. But, on the question whether, assuming negligence on the defendants' part, it was by reason thereof the plaintiff sustained the injuries, he thought there was not evidence for the jury of a peril justifying the plaintiff's dangerous act of jumping out of the carriage. And after citing *Jones v. Boyce* and *Robson v. North Eastern Ry.*, he said: "In the present case there was not, in my opinion, evidence of peril or grave inconvenience within these authorities which ought to have gone to the jury. The coupling-rod of the engine broke; one end pierced the boiler; steam escaped thence, and smoke from the furnace; the train yielded at once to the action of the vacuum brake—was slowed and shortly came to a standstill. It does not appear how the engine-driver and stoker came by the serious injuries they sustained; but no passenger in the train was injured, or (except the plaintiff and the girl O'Connor) even alarmed. These two seem to have been terrified by the cry—a statement of some men being passengers in the same compartment—that the train was on fire. The defendants are not responsible for this cry or statement; it was unfounded, in fact; but the plaintiff, in panic, jumped

through the carriage door, which the girl O'Connor had opened, and she was injured. The injuries, however, were, in my opinion, the result of unfortunate rashness, and not of the defendants' negligence. On this ground, therefore, I think the case was rightly withdrawn from the jury."—*Irish Law Times*.

- 11 Stark. 402. 4 Pro. D. 219.
 12 13 Pet. 181. 5 84 Ill. 126.
 3 L. R. 3 Ex. 150. 6 19 Fed. Rep. 83.
 7 Lax v. Mayor of Darlington, 5 Ex. D. 28.
 8 See Lloyd v. Hannibal, etc., Ry., 51 Mo. 509.
 9 Jones v. Boyce, *supra*.
 10 Robson v. The North Eastern Ry. Co., L. R. 10 Q. B. 271.
 11 Jones v. Boyce, *supra*.
 12 See the Elizabeth Jones, 112 U. S. 514, 526.

INSOLVENT NOTICES, ETC.
Quebec Official Gazette, March 19.
Judicial Abandonments.

George Darche, trader, St. Mathias, district of St. Hyacinthe, March 10.
 Pierre Georges Delisle, printer, Quebec, March 16.
 C. E. Dion & Co., traders, Tingwick, March 11.
 Myer Myers, Montreal, March 14.
 Francois Xavier St. Laurent, trader, Richmond, March 14.
 B. St. Pierre & Co., boot and shoe dealers, Nicolet, March 4.

Curators appointed.

Re Berthiaume & Co., hatters and furriers.—Seath and Daveluy, Montreal, curators, March 3.
Re Rudolph Bouthillier.—C. Desmarteau, Montreal, curator, March 15.
Re James Cullens.—Fulton & Richards, Montreal, curator, March 15.
Re Zelic Davis, cigar manufacturer.—Seath and Daveluy, Montreal, curator, Feb. 25.
Re Melodie Leclair (A. Amyot & Co.).—Henry Ward, Montreal, curator, March 9.
Re Henry Kearney, grocer.—S. C. Fatt, Montreal, curator, March 16.
Re Louis Lamontagne, Ste. Cunegonde.—Seath & Daveluy, Montreal, curator, March 10.
Re Barnett Laurence.—S. C. Fatt, Montreal, curator, Feb. 4.
Re Oliver, Gibb & Co.—J. McD. Hains, Montreal, curator, Feb. 22.
Re Leopold Provencher, Ste. Gertrude.—Kent & Turcotte, Montreal, curator, March 10.

Dividends.

Re Archibald M. Allan.—Final dividend, payable April 10, Kent & Turcotte, Montreal, curator.
Re A. E. Desllets, Three Rivers.—Final dividend, payable April 10, Kent & Turcotte, Montreal, curator.
Re Marie Desautels (J. H. Lamontagne & Co.).—Final dividend, payable April 10, Kent & Turcotte, Montreal, curator.
Re Jane Mayrand (Mrs. Billy).—Final dividend, payable April 10, Kent & Turcotte, Montreal, curator.
Re Angélique Normand (A. Normand & Co.).—Final dividend, payable April 10, Kent & Turcotte, Montreal, curator.
Re William Knowles, tailor.—Dividend, Seath & Daveluy, Montreal, curator.
Re Lecavalier & Frere.—Final dividend, payable April 10, Kent & Turcotte, Montreal, curator.
Re Sanders & Pelletier.—Final dividend, payable April 10, Kent & Turcotte, Montreal, curator.

Separation as to property.

Mary Hoobin vs. Michael Leahy, stewardess, Montreal, March 15.
 Helcia Roy vs. Clément Phaucas dit Raymond, formerly of Notre Dame du Lac, March 9.
 Apoline Tétrault vs. Michel Benoit, laborer, Farnham, March 10.