

The plaintiff was sitting on a wagon which was being driven on that part of the street occupied by the rails, and while going down a steep incline, a motor car and trailer coming along behind, by reason of the motorman not having proper control of the car, and of the excessive speed thereof, the wagon was run into, and the plaintiff injured.

Held, that the defendants were liable therefor.

Frank Denton for the plaintiff.

Osler, Q.C., and *Laidlaw*, Q.C., for the defendants.

Practice.

MACLENNAN, J.A.]

[April 24.

PAUL v. RUTLIDGE.

County Court appeal—Delay in setting down—Stay of proceedings—Dismissal—R.S.O., c. 47, s. 46—Rule 836.

The fact that the appellant in a County Court appeal has obtained from the judge of the court appealed from, under R.S.O., c. 47, s. 46, a stay of proceedings to enable him to give security does not absolve him from the necessity of complying with Rule 836 by setting the appeal down for hearing at the first sittings of the court which commences after the expiration of thirty days from the decision complained of, although such sittings commences before the expiration of the stay.

And where judgment in a County Court was entered on the 17th of January, notice of appeal served on the 30th of January, a stay of proceedings for thirty days granted on the 12th of February, and security given on the 12th of March, but the appeal not set down for the March sittings of the Court of Appeal, an order was made dismissing it with costs, no sufficient excuse being given for the delay.

E. G. Graham for the appellant.

Langton, Q.C., for the respondent.

MANITOBA.

COURT OF QUEEN'S BENCH.

Full Court.]

[April 4.

SLINGERLAND v. MASSEY.

Husband and wife—Interpleader—Married Women's Act—Crops claimed by wife as her separate property—Separate business carried on by wife—Distinction between hay and other crops.

This was an interpleader issue to determine the ownership of crops seized on lands rented by the plaintiff, a married woman, which she claimed as against the execution creditors of her husband. The husband had previously been engaged in farming on his own account and had failed, and afterwards the