

forcible manner, and impeded them in their efforts to reach their homes.

Held, 1. Sufficient ground for an attachment for contempt.

2. No distinction could be made between the persons who were specifically named in the restraining order and those who were included within its general terms.

Mellish, K.C., for application. *O'Connor*, K.C., for defendants, contra.

Meagher, J.] CHISHOLM v. HALIFAX TRAM CO. [Jan. 25.
Street railroads—Defective condition of track—Liability of company for injuries resulting from—Damages.

Plaintiff, a medical man, was thrown from his sleigh and severely injured in consequence of one of the runners of plaintiff's sleigh being caught by a guard rail at a curve on defendant's line. The guard rail at the point where the accident occurred was shewn to be unreasonably high being nearly if not quite two inches above the level of the other rail. The evidence shewed that numerous other accidents happened at the same point attributable to the same cause, and that the effect of injuries received in plaintiff's case, apart from confinement to the house and loss of business, was to permanently injure one of his arms and to incapacitate him in part from the practice of one branch of his profession.

Held, under the circumstances it was to be assumed that defendant company had notice of the defective condition of the rail but that independently of that it was bound to keep its track in a reasonably safe condition for the public, and having failed to do so it was responsible in damages. The plaintiff was entitled to recover against defendant company the sum of \$2,800 and costs.

J. J. Ritchie, K.C., for plaintiff. *Mellish*, K.C., for defendant.

Province of Manitoba.

COURT OF APPEAL.

Full Court.] COPPEZ v. LEAR. [Dec. 2, 1910.

Wages—Assignment of.

Appeal from judgment of Prendergast, J., noted vol. 46, p. 747. Dismissed with costs.