

REPORTS AND NOTES OF CASES.

Province of Ontario.

COURT OF APPEAL.

Maclaren, J.A.]

[Oct. 15.]

GOODISON v. TOWNSHIP OF McNAB.

Leave to appeal to Court of Appeal from order of Divisional Court—Question of "general interest"—Traction engines on highways.

Motion by defendants for leave to appeal to the Court of Appeal from an order of a Divisional Court affirming the judgment of ANGLIN, J., at the trial. The action was for damages to a traction engine which broke through a bridge belonging to the municipality. Judgment was given against the township for \$750. The judgment, it was contended, involved the proper construction of s. 10 of R.S.O. 1897, c. 242, respecting traction engines on highways as amended by 3 Edw. VII. c. 7, s. 43, and 4 Edw. VII. c. 10, s. 60.

Held, the question is one of "general interest" and affects all municipalities in the province. It fairly comes within clause (g) of s. 76 of the Judicature Act, and the application should be granted.

Robinette, K.C., for plaintiff. *Douglas*, K.C., for defendants.

Full Court.]

FITZGERALD v. BARBER.

[Oct. 19.]

Landlord and tenant—Covenant by lessee not to sub-let without leave—Breach—Assignment of interest in lease—Right to renewal—Forfeiture.

Appeal by defendant Loveless from the judgment of MEREDITH, C.J., in favour of plaintiffs in an action for possession of land in City of London and for a declaration that defendants are not entitled to a renewal lease. The lease contained the usual covenant that the lessee would not assign or sub-let without leave "to any other person or persons whomsoever," with the accompanying provision for re-entry for breach or non-performance of