

should have leave to amend as it might be advised; that the appeal of the plaintiff company against the defendant city corporation should be dismissed; that the costs of both defendants of the appeals should be paid by the plaintiff company forthwith after taxation; that there should be no costs of the past trial either to the plaintiff company or the defendant company; and that, if no amendment should be made by the plaintiff company within one month, the defendant company's appeal should be allowed, and the action dismissed with costs.

SECOND DIVISIONAL COURT.

SEPTEMBER 23RD, 1920.

*SHERLOCK v. GRAND TRUNK R.W. CO.

Railway—Carrier—Loss of Trunk Checked by Passenger—Limitation of Liability—General Order of Railway Board—Powers of Board—Railway Act, R.S.C. 1906 ch. 37, secs. 30 (h), (i), 31, 340 (3)—“Personal Baggage”—Payment into Court—Costs.

Appeal by the plaintiff from the judgment of ROSE, J., 47 O.L.R. 473, 18 O.W.N. 208.

The appeal was heard by MULOCK, C.J.Ex., RIDDELL, SUTHERLAND, and MASTEN, JJ.

T. H. Crerar, for the appellant.

D. L. McCarthy, K.C., for the defendants, respondents.

THE COURT dismissed the appeal with costs.

SECOND DIVISIONAL COURT.

SEPTEMBER 24TH, 1920.

*BOSTON LAW BOOK CO. v. CANADA LAW BOOK CO. LIMITED.

Contract—Sale of Set of Law Reports at Fixed Price per Volume—“150 Volumes more or less”—Estimate—Liability of Vendee to Pay for Volumes in Excess of 150—Prospectus—Representation—Warranty—Breach—Counterclaim—Damages.

Appeal by the defendant company from the judgment of MIDDLETON, J., 44 O.L.R. 529, 15 O.W.N. 294.

* This case and all others so marked to be reported in the Ontario Law Reports.