

MOFFAT V. GLADSTONE MINES LIMITED—MASTER IN CHAMBERS—
Nov. 29.

Pleading — Amendment.] — The defendants were allowed to amend their statement of defence by alleging that, since its delivery, the settlement of an action brought by the plaintiff against W. had released the defendants and discharged them from any liability for the wrongful use and misuse of the plaintiff's report in question in this action: Con. Rule 312. Costs in the cause, Con. Rule 294 being applicable. R. C. H. Cassels, for the defendants. G. H. Kilmer, K.C., for the plaintiff.

MAZZA V. CITY OF PORT ARTHUR—DIVISIONAL COURT—DEC. 1.

Street Railway—Injury to Passenger—Negligence—Reference—Judgment—Report.]—Appeal by the defendants from the judgment of the Judge of the District Court of Thunder Bay after trial of the action before him under a reference directed by MAGEE, J. Instead of making a report, as required by 9 Edw. VII. ch. 27, sec. 3 (O.), the referee directed judgment to be entered. Counsel agreed that the direction of the Judge should be treated as a report, and the appeal was heard as an appeal from a report. The plaintiff, a passenger on the defendants' railway, was injured while alighting from a car, and brought this action to recover damages for his injuries, alleging negligence. The Court (MEREDITH, C.J.C.P., TEETZEL and RIDDELL, JJ.), thought there was sufficient evidence to warrant the conclusion that there was an invitation to the plaintiff to get off at the place where he attempted to alight, and that the defendants' servants were guilty of negligence in increasing the speed of the car and causing the jerk which threw the plaintiff off, and that that negligence was the cause of the accident. Appeal dismissed with costs. Featherston Aylesworth, for the defendants. T. D. Delamere, K.C., for the plaintiff.

REX V. MAJOR—FALCONBRIDGE, C.J.K.B., IN CHAMBERS—DEC. 2.

Liquor License Act—Conviction—Motion to Quash—Remedy by Appeal—Refusal of Magistrate to Adjourn.]—Motion to quash a conviction under the Liquor License Act, for unlawfully selling intoxicating liquor in quantities exceeding the amount allowed to be sold under a hotel license, and so unlawfully selling without the