

entered upon the railway company's premises must be deemed to have entered upon his employment, and it was like the case of a workman going from one part of a factory where he was employed to another, in order to perform his work.

NEGLIGENCE—MASTER AND SERVANT—EMPLOYER AND WORKMAN—DEFECT IN PLANT OR MACHINERY—KNOWLEDGE OF WORKMEN OF DEFECT—RISK VOLUNTARILY INCURRED—VOLENTI NON FIT INJURIA—(WORKMEN'S COMPENSATION ACT (R.S.O. C. 160) S. 4)

Williams v. Birmingham B. & M. Co. (1899) 2 Q.B. 338: was also an action by the representatives of a deceased workman to recover damages from his employer for negligence resulting in the workman's death. In this case the workman was, in the course of his employment, descending from an elevated tramway, belonging to his employers, when his foot slipped and he fell to the ground receiving injuries which caused his death. The employers had provided no ladder or other safe means for ascending to, and descending from, the tramway. The jury found that the defendants had not provided proper means of descending from the tramway, and that it was dangerous to descend therefrom without a ladder, and that the deceased knew that it was dangerous. Darling, J. gave judgment for the defendants, but the Court of Appeal (Smith, Williams and Romer, L.JJ.) reversed his decision, holding that in the absence of any finding, that the deceased workman had agreed to undertake the risk of descending without a ladder, or other safe means of descent, on the findings of the jury the plaintiff was entitled to succeed under the decision of the House of Lords in *Smith v. Baker* (1891) A.C. 325, noted ante vol. 28, p. 11.

STATUTE OF LIMITATIONS—VOID GIFT TO CHARITY—EXECUTOR'S POSSESSION—EXECUTOR NOT EXPRESS TRUSTEE FOR NEXT OF KIN OR HEIR—REAL PROPERTY LIMITATION ACT, 1874, (37 & 38 VICT., C. 57.)

In re Lacy, Royal Theatrical Assoc. v. Kydd (1899) 2 Ch. 149, is an interesting decision touching the application of the Statute of Limitations as to claims against an executor. The facts were that a testator who died in 1873, and by his will gave all his property real and personal, charged with certain annuities, to the trustees of a charity, and appointed one Kydd, his executor. The estate included freehold and leasehold property. Kydd entered into possession, and paid the income to the trustees of the charity in accordance with the will, for a period of twenty years. The