

Macdonald, J.] FORREST v. WINNIPEG. [March 1.

Negligence—Municipality—Liability for non-repair of sidewalk
—Municipal Act, R.S.M. 1902, c. 116, s. 667—Winnipeg
charter, s. 722.

The plaintiff was injured in consequence of stepping on the end of a loose plank in a comparatively new sidewalk and so being thrown down. There was evidence that the plank had been loose for two or three weeks before the accident, but none to shew that any of the city's servants or officials had knowledge of it and many persons, including an inspector of sidewalks in the employ of the city, had walked over it without noticing that there was any defect there.

Held, that the defendants were not liable, as negligence on their part was not proved.

Iveson v. Winnipeg, 16 M.R. 352, distinguished.

Rothwell, for plaintiff. *Hunt, Theo.*, and *Auld*, for defendants.

Mathers, J.] [March 2.

BRYSON v. RURAL MUNICIPALITY OF ROSSER.

Wages—Priority of wages over garnishing and other orders.

Sec 4 of the Builders' and Workmen's Act, R.S.M. 1902, c. 14, making a proprietor directly liable for payment of the wages of workmen employed by a contractor doing any work for him, effects what may be termed a statutory assignment to the workmen, to the amount of their unpaid wages, of the moneys payable by the proprietor to the contractor, so that the workmen are entitled to priority over the claims of creditors holding garnishing or other orders against the proprietor in respect of such moneys, and such creditors are entitled to be paid out of any balance in the order in which notices of their several claims were given to the proprietor.

In such a case it makes no difference that the proprietor has made a payment to the contractor which diminishes the amount available for such other creditors.

McLaws, Tarr, Mackenzie and Kemp, for various parties.

Mathers, J.] MUNROE v. HEUBACH. [March 16.

Practice—Entry of judgment—Review by judge after entry—
Correction of errors in judgment as entered.

Until the judgment pronounced in an action is entered the court has full power to rehear or review the case; but, after