by paying her $5,500 as full indemnity for all damages sustained, and obtained a transfer of her rights under her policy of insurance with the respondents.   In an action on the policy so transferred:

Held, (Duff, J., dissenting,) that, as the destruction of the building insured was occasioned by an act justified by statutory authority and full indemnity had been paid, the municipality was entitled to subrogation in the rights of the owner and to maintain the action against the insurance company for reimbursement to the extent of the amount of the insurance upon the property.

Per DUFF, J., dissenting:—Although the destruction of the building insured was occcasioned by an act justified at common law, the rights of the municipal corporation were determined by the principle laid down in *The City of Quebec* v. *Mahoney*, Q.K. 10, K.B. 378, and the claim for reimbursement to the extert of the amount for which the property was insured could not be maintained.   *Quebec Fire Insurance Co.* v. *St. Louis*, 7 Moo. P.C. 286, applied.

Appeal dismissed with costs.

Atwater, K.C., for the appellants.   *Belcourt*, K.C., for the respondent.

Ont.]   COFFIN *v.* GILLIES.   [June 24.

Contract—Construction—Sale of foxes—Mixed breeds.

By contract in writing G. agreed to sell to C., who agreed to buy, two black foxes "to be the offspring of certain foxes purchased by the vendor from Charles Dalton and W. R. Oulton in the year 1911."

Held, (Davies and Duff, JJ., dissenting,) that the proper construction of the contract was that the two foxes to be sold must have both Dalton and Oulton parentage, and G. could not be compelled to deliver a pair bred from the Dalton strain only.

Appeal dismissed with costs.

D. C. Ross, for the appellant.   *W. M. Douglas*, K.C., and *J. E. Thompson*, for the respondent.

Ont.]   HAMILTON STREET RAILWAY CO. *v.* WEIR.   [June 24.

Negligence—Obstruction of highway—Street railway—Trolley poles between tracks—Statutory authority—Protection by light.

The Act incorporating the Hamilton Street Railway Co. authorized the city council to enter into an arrangement with the