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DECISIONS IN COMMERCIAL LAW.

SMITH V. ONDERDONK.—This case is important in stating clearly a feature of the liability of contractors under the Employers' Liability Act, where the injury complained of has happened to an employee of a sub-contractor. The defendant having a contract to construct certain railway approaches to the city of Hamilton, sub-let a portion of the work to Messrs. Clifford & Sons. By the agreement between them the defendant agreed to furnish certain plant, including a locomotive to the sub-contractors, which was to be of sufficient capacity to perform the work. Clifford & Sons paid the men, bought the fuel, oil, waste, etc., in connection with the work. A man working in their employment as brakeman on an engine obtained on these terms was injured. He brought an action under the Employers' Liability Act for damages against the contractors. It was alleged that when the sub-contractors received the engine it was in a defective condition as regards the safety of a brakeman by reason of the absence of a handrail at the back of a tender, which the brakeman might catch in case of a jerk in the coupling of cars. On appeal the Court held that the defendant was not liable to damages. A contractor who supplies to a sub-contractor a machine for use in the works, is not liable in damages to one of the sub-contractors' workmen for injuries sustained by reason of a patent defect in a machine accepted and used without objection.

GERMAN JUSTICE REVERSED HIMSELF.

When George R. Peck first became an attorney for the Santa Fe, says the Topeka State Journal, he went to a small town in Western Kansas to argue a case that had been brought against the road for damages to several head of cattle that had been killed. The case was tried before a judge who was decidedly German. The witnesses were examined, and the case gone through with, and the attorney for the prosecution arose and made a strong plea for conviction. He waxed eloquent and the judge paid close attention.

"Are you troo?" asked the judge when the lawyer stopped.

"Yes, your Honor."

"You vins de case," said the judge.

"But I want a chance to argue my side of the case," said Peck.

"No, he vins," stoutly asserted the judge. But Peck commenced to talk and gradually his talk led up to the case, and before the judge knew it Peck was arguing the defence. The judge listened closely, and when Peck had finished he said:

"You vins de case."

"But you have already decided in my favor," said the other lawyer.

"Dats all right. I reverse my first decision. Dis man vins," and the judge stuck to his last decision and Peck won his railroad case.

Most of the merchants of Fredericton, N. B., the grocery stores excepted, have agreed to close their respective places of business at 6 p. m. during this month.

JOHN MACKAY

Public Accountant, Auditor, Receiver and Trustee

Bank of Commerce Bldg., Toronto
Cable Address: CAPITAL. Tel. No. 3733.

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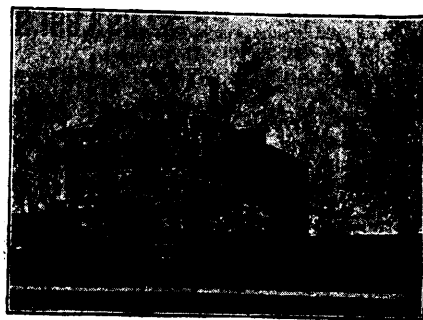
Manager of the Company.

Under the laws of the Province of Quebec the Company cannot be appointed directly to trusts, such as assignees, etc. Therefore, Mr. Stephens will act on behalf of the Company in all such cases, the Company assuming all responsibility and reliability in regard to any trusts which may be placed in his hands.

Address communications to

W. BARCLAY STEPHENS,

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