under sub-sec. 1, and to entitle him to such there must be execution in his hands, and not sufficient lands or goods to satisfy them, and a debt by a person resident in the sheriff's county. Appeal allowed and order made for payment out of court to primary creditors of a sum sufficient to pay their claim and costs including the costs of this appeal and the motion below; the balance, if any, to be paid to the assignee for the benefit of creditors. If such sum is not sufficient to pay the claim of the primary creditors and their costs, the sheriff and the assignee are to pay any costs not thus satisfied. W. H. Riddell and F. J. Travers for appellants. Rowell for sheriff. W. H. Blake for assignee.

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ABRAHAM v. HACKING.

WIFE endorsing husbands notes—Separate estate — Engagement ring, watch and clothing. In this case the Divisional Court dismissed the plaintiff's appeal from the judgment of Robertson, J., in favor of the defendant Annie Hacking. In a weak moment she endorsed $420 worth of notes for her husband. The only separate estate the plaintiff proved she had consisted of an engagement ring and watch and chain and clothing, and the court held, having regard to the amount of the plaintiff's claim, that the defendant cannot be said to have contracted with regard to her separate estate when she endorsed the notes.

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FAULKNER v. CLIFFORD.

NEGLIGENCE—Injury to workman — "*Volenti non fit injuria*" Before Street, J.—Judgment upon the motion by defendant for non-suit and motion by plaintiff for judgment upon the findings of the jury in an action for negligence tried at Hamilton. The jury found that defendants were guilty of negligence causing the accident to plaintiff, and assessed damages at $1,500, but stated that they were unable to answer the question left to them as to whether the deceased voluntarily assumed the risk. Held, that the mere fact that the deceased proceeded with his work after being informed of the danger did not necessarily imply an agreement to take the risks of it. It is a question for the jury whether the workman, in continuing his work, does so because he is willing to incur the risks of it, or whether he does so from some other motive. Motion for non-suit dismissed. Motion for judgment for plaintiff also dismissed, because of the failure of the jury to answer the question above mentioned. See Stevens v. Grout, 16 P. R. 210; McDermott v. Grout, ib. 215.

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LONGBOTTOM v. CITY OF TORONTO.

23rd January, 1896.—Defective sidewalk—Notice under 57, Vic. Ch. 50 Sec. 13.—Effect of rule 402. Before Boyd C., judgment in action tried with a jury at Toronto. Action by Jane Longbottom a widow, a widow residing at 32 Richmond Street East, in the City of Toronto, for damages for injuries sustained by her owing to a fall, caused, as alleged, by a hole in the sidewalk near her home which broke her right wrist. The jury found a verdict for plaintiff for $500 damages. Held, that the notice of action required by 57 Vic., ch. 50. sec. 13, in cases of injury from defective sidewalks is to inform the corporation before action of the nature of the accident and the cause of it, and thus to give the municipal authorities an opportunity of investigating the matter in all its bearings with a view of settling or contesting the claim. Having regard to rule 402, it is the proper practice of the defendant to set up want of notice in case the statement of claim is silent on the point. In this case no preliminary objection was raised to the statement of claim as being insufficient, and no observation was made as to want of notice till the close of the evidence. No evidence was offered by defendants, and the learned Chancellor is not able to say that they were prejudiced by the want of notice of injury within 30 days after the accident. The accident was in January, 1895, and notice was given two months