

limiting its liability as to the amount of damages to be recovered for loss or injury to such goods arising from negligence. *Vogel v. Grand Trunk R.W. Co.* (11 S.C.R. 612) and *Bate v. Canadian Pacific R.W. Co.* (15 A.R. 388) distinguished.

The G.T. R.W. Co. received from R. a horse to be carried over its line, and the agent of the company and R. signed a contract for such carriage, which contained this provision: "The company shall in no case be responsible for any amount exceeding one hundred dollars for each and any horse," etc.

Held, affirming the decision of the Court of Appeal, that the words "shall in no case be responsible" were sufficiently general to cover all cases of loss, howsoever caused, and, the horse having been killed by negligence of servants of the company, R. could not recover more than \$100, though the value of the horse largely exceeded that amount.

Appeal dismissed with costs.

Moss, Q.C., and *Collier* for the appellant.

Osler, Q.C., and *W. Nesbitt* for the respondent.

Ontario.]

BELL v. WRIGHT.

[June 24.]

Solicitor—Lien for costs—Fund in court—Priority of payment—Set-off.

In a suit for construction of a will and administration of testator's estate, where the land of the estate had been sold and the proceeds paid into court. J., a beneficiary under the will and entitled to a share in said fund, was ordered personally to pay certain costs to other beneficiaries.

Held, reversing the decision of the Court of Appeal (16 P.R. 335), that the solicitor of J. had a lien on the fund in court for his costs as between solicitor and client in priority to the parties who had been allowed costs against J. personally.

Held, also, that the referee before whom the administration proceedings were pending had no authority to make an order depriving the solicitor of his lien, not having been so directed by the administration order, and no general order permitting such an interference with the solicitor's *prima facie* right to the fund.

Appeal allowed with costs.

Armour, Q.C., and *McBrayne* for the appellants.

Lefroy and *Beck* for the respondents.

Ontario.]

VALAD v. TOWNSHIP OF COLCHESTER SOUTH.

[June 24.]

Practice—Reference—Report of referee—Time for moving against—Notice of appeal—Con. Rules 848, 849—Extension of time—Confirmation of report by lapse of time.

In an action by V. against a municipality for damages from injury to property by the negligent construction of a drain, a reference was ordered to an official referee "for inquiry and report pursuant to section 101 of the Judicature Act, and Rule 552 of the High Court of Justice." The referee reported that the drain was improperly constructed, and that V. was entitled to \$600