

Q. B. Div.]

NOTES OF CANADIAN CASES.

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Kings famous in story, and among them nearly all who built up the massive foundations of this Commonwealth."

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QUEEN'S BENCH DIVISION.

IN BANCO, DECEMBER 9, 1882.

MURPHY V. G. T. RAILWAY CO.

Railway—Fencing—Gates—Disrepair.

A beast of plaintiff's escaping from a field adjacent to a railway which crossed his farm, through a gate opposite a farm crossing in disrepair, and being killed, it was held that defendants were liable, as it was their duty to keep the gate in repair.

December 30, 1882.

LOTT V. DRURY.

Slander—Nonsuit.

Plaintiff was a miller, and defendant said he had run away in debt to him and others; that he had cleared out.

Held, that a nonsuit was wrong, as the words directly affected plaintiff in his business.

FORRESTER V. THRASHER.

Insolvent—Assignment without assets—Discharge.

A judgment was obtained against defendant in this suit for breach of promise of marriage, and in another for seduction. Defendant afterwards made an assignment, with no assets; no creditors appeared against him, and he then got his discharge. Subsequently acquiring property, execution was issued in this action; but

Held, that his want of assets when he got his discharge was no ground for setting aside the discharge, which, in the absence of a charge of fraud in its obtention, was an answer to plaintiff's claim.

BELL V. RIDDELL.

Felony—Stifling—Pro-note—Unlawful consideration.

Held, that the consideration for a pro-note being the stifling of a felony, avoided the note.

TURNER V. LUCAS.

Preferential judgment—R. S. O. ch. 118.

A debtor of defendant being insolvent, was sued by defendant, and by collusion with the defendant, he appeared, defended, and then allowed his defence to be struck out, when a judgment was at once got against him. Plaintiff also sued, and in regular course got judgment.

Held, defendant's judgment good.

REGINA V. DAGGETT.

Sunday Act—Travellers.

Defendant having been convicted of a violation of R. S. O. ch. 189, for carrying passengers in his vessel on Sunday from Niagara to Toronto,

Held, passengers were travellers within the exception of sec. 1 of the Act, and the conviction was quashed.

LETT V. ST. LAWRENCE, ETC., RAILWAY CO.

Lord Campbell's Act—Death of wife—Right of husband to sue for self and children.

Held, that the husband was not entitled on death of his wife caused by defendants' railway, to recover either for self or children, for aught but pecuniary loss.

WALTON V. WOODSTOCK GAS CO. ET AL.

Recovery of land—Limitation of action.

Plaintiff having on 8th April, 1854, got a grant in fee of vacant land, made no entry. Subsequently a railway company surveyed part of it, with other land, for their line, and an award was made in plaintiff's favour, but the company did not take possession, control it, pay for it, nor deposit maps or plans. One M., on 31st December, 1857, got judgment against the Company in certain Chancery proceedings, and sold the Company's interest to defendant P. P. did not