

Held, further, that as the doctrine of common employment does not prevail in the Province of Quebec, acts or omissions by fellow servants of the deceased could not exonerate the employes from liability for the negligence of a servant which may have led to the injury. *The Queen v. Filion*, 24 S.C.R. 482, and *The Queen v. Grenier*, 30 S.C.R. 42, followed. Appeal dismissed with costs.

Laflamme, for appellant. *L. C. Belanger*, Q.C., for respondent.

Province of Ontario.

COURT OF APPEAL.

From Divisional Court.]

[Sept. 12, 1899.

IN RE GLEN. FLEMING v. CURRY.

Local Master—Resignation—Concurrent appointments.

While an appeal from his report was pending, a local master sent a letter of resignation to the Attorney-General's Department, and, without any acceptance of this resignation, a commission was issued appointing another gentleman "a local master" for the county in question. Subsequently the appeal was allowed and the report was referred back to "the master" for the county:—

Held, that there could not be two local masters; that the action of the Executive was equivalent to an acceptance of the resignation; and that the reference must proceed before the new incumbent of the office. Judgment of a Divisional Court affirmed.

S. H. Blake, Q.C., for appellant. *Aylesworth*, Q.C., and *O. E. Fleming*, for respondent.

From Falconbridge, J.] REGINA v. ST. CLAIR.

[Jan. 31.

Criminal law—Summary trial—Habeas corpus—Certiorari—Writ of error—Appeal—Evidence—Depositions in other proceeding.—Counsel's consent.

A conviction by a magistrate under the sections of the Criminal Code relating to the summary trial of indictable offences may be brought up for review by writs of habeas corpus and certiorari; a conviction under those sections not being matter of record in such sense as to make it reviewable only by writ of error.

Upon the hearing of a charge under these sections, evidence in other proceedings against another prisoner is admissible upon the consent of the accused's counsel. Judgment of FALCONBRIDGE, J., affirmed.

E. B. Stone, for appellant. *John R. Cartwright*, Q.C., for the Crown.