

Then as to the damages. While the plaintiff, who was sixty-one years old, realised a share out of her husband's estate sooner by his sudden death than would have otherwise been the case, there is nothing to suggest that, had he lived out the allotted span, she would not have received as much or more, had she survived him. She has now to depend for her living on that share, while, if he had lived, she would have been entitled to be maintained by him during his lifetime. It is difficult to fix a sum to represent her actual pecuniary loss; but, I think, having regard to all the probabilities, \$800 would not be an unreasonable amount to allow her.

The only child who can, I think, be considered to have suffered pecuniary loss through the death of her father, is the youngest daughter, Charlotte Kelly, who lived at home; and I think \$300 a reasonable sum to allow her.

The judgment, therefore, will be for \$1,100, apportioned as above, and costs.

NEVILLE V. EATON—MASTER IN CHAMBERS—JUNE 26.

Trial—Postponement—Costs.]—Motion by the defendants to postpone the trial, on the ground of the absence of a necessary and material witness. The Master was of opinion that the circumstances justified a postponement; the plaintiff to have the costs of the application in any event. R. C. H. Cassels, for the defendants. J. A. Paterson, K.C., for the plaintiff.

BANK OF HAMILTON V. KRAMER IRWIN CO.—MASTER IN CHAMBERS
—JUNE 27.

Practice—Leave to Continue Action—Parties—Judgment Recovered against some Defendants—Assignment by Plaintiffs to one Defendant after Payment—Action Continued in Name of Original Plaintiffs—Delay in Prosecution of Action—Waiver—Mercantile Law Amendment Act, sec. 3.]—Motion by the defendant Dickenson, who desired to continue the action in the plaintiffs' name against his co-defendants Holme and Barker, for leave to deliver a statement of claim. The action was begun on the 30th December, 1904, and was brought to recover a debt due to the plaintiffs by the defendant company and against the other defendants as sureties for the defendant company. On the 19th Janu-