

REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

Ex. Ct.] DESROSIERES v. THE KING. [Dec. 15, 1908.

Crown—Liability for negligence—Personal action—Release—Common employment.

Under s. 16, sub-s. (c) of the Exchequer Court Act (50 & 51 Vict. c. 16), an action in tort will lie against the Crown represented by the Government of Canada.

Under the Quebec Civil Code in case of death by negligence of servants of the Crown, an action for damages may be brought by the widow of the deceased on behalf of herself and her children.

The action of the widow is not barred by her acceptance of insurance on the life of deceased from the Imperial Colonial Railway Employees Relief and Insurance Association under the constitution rules and regulations of which the Crown was to be released from liability, to make compensation for injury to, or death of, any member. *Miller v. Grand Trunk Ry. Co.* (1906) A.C. 187 followed.

The doctrine of common employment does not prevail in the Province of Quebec.

The right of action for compensation for injury or death by negligence of government employees does not abate on demise of the Crown.

The Judicial Committee of the Privy Council refused leave to appeal from a judgment of the Supreme Court of Canada in accord with a long series of decisions in the Dominion.

Appeal dismissed with costs.

Chrysler, K.C., for appellant. *A. Lemieux, K.C.*, for respondent.

Que.] LABROSSE v. LANGLOIS. [Dec. 15, 1908.

Appeal—Amount in dispute—Interest—Costs—Collateral matter.

An action having been brought against the maker and indorser of a note for \$2,000, the maker sued the indorser in war-