

DIARY FOR AUGUST.

1. Fri.... Slavery abolished in British Empire 1843.
3. Sun.... 9th Sunday after Trinity.
6. Wed.... Thomas Scott, 4th C. J. of Q. B. 1860. Prince Alfred born.
9. Sat.... Fort William Henry capitulated 1757.
10. Sun.... 10th Sunday after Trinity.
11. Mon.... Last day for filing notices for Trinity Term. Battle of Lake Champlain 1814.
13. Wed.... Sir Peregrin Maitland, Lieut.-Governor, 1818.
14. Thur.... Battle of Fort Erie, 1814.
16. Sat.... Battle of Detroit, 1812.
17. Sun.... 11th Sunday after Trinity.
23. Sat.... Last day for filing papers and fees for final examinations.
24. Sun.... 12th Sunday after Trinity. St. Bartholomew.
30. Sat.... Long vacation ends.
31. Sun.... 13th Sunday after Trinity.

Early Notes of Canadian Cases.

SUPREME COURT OF JUDICATURE
FOR ONTARIO.

HIGH COURT OF JUSTICE.

COURT OF APPEAL.

From FALCONBRIDGE, J.] [June 26.
ERIE AND NIAGARA R. W. CO. v. ROUSSEAU.

Railways—Lands acquired for railways—Adverse possession—Statute of Limitations.

A title by adverse possession may be acquired, as against a railway company, to lands originally obtained by them for railway purposes.

Bobbett v. South Eastern R. W. Co., 9 Q.B.D., 424, approved.

Judgment of FALCONBRIDGE, J., affirmed.

H. Symons for the appellants.

H. H. Collier for the respondents.

From C.P.D.] [June 28.
DOAN v. MICHIGAN CENTRAL R. W. CO.

Negligence—Contributory negligence—Railways—Pleading—"Not guilty."

This was an appeal by the defendants from the judgment of the Common Pleas Division, 18 O.R., 482, and came on to be heard before this Court (HAGARTY, C.J.O., BURTON, OSLER, and MACLENNAN, JJ.A.) on the 19th of May, 1890.

The Court held that evidence of contributory negligence would properly be admissible under a defence of "not guilty," without any special plea of contributory negligence; and that at any

rate, in this case, even if, strictly speaking, the evidence were not admissible as the pleadings stood, still, the evidence having been given without objection, the plaintiff could not afterwards complain.

The Court also held that, upon the evidence, the finding of the jury as to contributory negligence was a proper one, and that the action therefore failed.

The Court allowed the appeal, with costs, and restored the judgment of STREET, J., at the trial.

H. Symons for the appellants.

G. T. Blackstock for the respondent.

From Co. Ct. Wentworth.] [June 28.
GOODMAN v. BOYES.

Statute of Limitations—Acknowledgment.

An acknowledgment of a debt, not being a debt by specialty, to be sufficient under the Statute of Limitations, must be made to the creditor, or to his agent. A general acknowledgment of liability, or an acknowledgment to a third person, will not be sufficient.

Judgment of the County Court of Wentworth affirmed.

Teetzel, Q.C., for the appellant.

W. Bell for the respondent.

From ROSE, J.] [June 28.
CAMERON v. CUSACK.

Fraudulent conveyance—Intent to defeat creditor.

A conveyance made by a debtor, in good faith of his ability to pay his existing debts, cannot be impeached by one who at the time has a right of action against him for a tort, and subsequently recovers judgment, even though the conveyance is made because of the threatened action.

Judgment of ROSE, J., 18 O.R., 520, reversed.

J. M. Glenn for the appellant.

J. S. Robertson for the respondent.

From Co. Ct. Hastings.] [June 28.
BONISTEEL v. SAYLOR.

Contract—Bills of exchange and promissory notes—Illegality—Public policy.

The plaintiff purchased from an alleged company 15 bushels of hull-less oats, paying there-