

SCARLETT V. CANADIAN PACIFIC R.W. CO.—MASTER IN CHAMBERS  
—APRIL 6.

*Fatal Accidents Act—Two Actions Brought on Account of Death of Same Person—Order Staying one—Actions by Mother and Widow as Administratrix.*—Two actions were brought under the Fatal Accidents Act, 1 Geo. V. ch. 33 (O.), to recover damages for the death of George Scarlett, who was killed on the 2nd February, 1912. The first action was brought by the mother, on the 15th March. The second action was brought by the widow as administratrix, on the 1st April. The defendants moved to have one of the actions stayed. The Master said that the case did not differ in its facts from *Mummery v. Grand Trunk R. W. Co.*, 1 O.L.R. 622. There the action of the administratrix was allowed to proceed, and the other was stayed. It seemed to have been the opinion of Mr. Winchester, then Master in Chambers, that any person claiming to be beneficially entitled could bring an action immediately after the death if there was no executor or administrator—but that, if a personal representative was appointed, and an action begun within six months of the death, then, apart from long delay in commencing such action, the first action must usually be stayed. The Master thought he was bound by this decision, with which he agreed. He, therefore, made an order directing that the second action should proceed, and the first be stayed until further order. Costs of the motion to be to the defendants in the second action. It was not a case for any costs as between the two plaintiffs. C. W. Livingston (MacMurchy, Spence, & Walker), for the defendants. W. A. Henderson, for the plaintiff in the first action. H. R. Frost, for the plaintiff in the second action.

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MACDONALD V. SOVEREIGN BANK OF CANADA—MIDDLETON, J.,  
IN CHAMBERS—APRIL 6.

*Evidence—Foreign Commission—Unnecessary Testimony—Admission—Order Refusing Commission Affirmed upon Terms.*—An appeal by the defendants from the order of the Master in Chambers, ante 849, refusing to direct the issue of a commission to Los Angeles to take the evidence of A. E. Webb. The learned Master refused the order upon an admission by the plaintiff that none of the shares forming the subject-matter of this action were transferred from A. E. Webb & Co. to the plaintiff or to any of