

DIARY FOR OCTOBER.

1. Monday Wm. D. Powell, 5th C.J. of Q.B., 1887. Meredith, J., Chy. D., 1890.
2. Tuesday Supreme Court of Canada sits.
7. Sunday 20th Sunday after Trinity. Henry Alcock, 3rd C.J. of Q.B., 1802.
8. Monday County Court sits, for motions, and sittings, Surrogate Court in York. Sir W.B. Richards, C.J. of S.C., 1875; R. A. Harrison, 11th C.J., Q.B., 1875.
9. Tuesday De la Barre, Governor, 1682.
11. Thursday Guy Carleton Governor, 1774.
12. Friday America discovered. Battle of Queenston Heights, 1812.
13. Saturday W. R. Meredith, C.J. of C.P.D., 1894.
14. Sunday 21st Sunday after Trinity.
15. Monday County Court non-jury sittings in York. English law introduced into U. C., 1791.
17. Wednesday Burgoyne's surrender, 1777.
18. Thursday St. Luke.
21. Sunday 22nd Sunday after Trinity. Battle of Trafalgar, 1805.
23. Tuesday Supreme Court of Canada sits. Lord Lansdowne, Gov.-Gen., 1883.
24. Wednesday Sir J. H. Craig, Gov.-Gen., 1807. Battle of Balaklava, 1854.
27. Saturday C.S. Patterson, J. of S.C., 1888. Jas. MacLennan, J., Court of Appeal, 1888.
28. Sunday 23rd Sunday after Trinity. St. Simon and St. Jude.
29. Monday Battle of Fort Erie.
31. Wednesday All Hallow's Eve.

Notes of Canadian Cases.

SUPREME COURT OF CANADA.

Ontario.]

[May 31]

TOWN OF WALKERTON v. ERDMAN.

Evidence—Action for personal injuries caused by negligence—Examination of plaintiff de bene esse—Death of plaintiff—Action by widow under Lord Campbell's Act—Admissibility of evidence taken in first action—Rights of third party.

Though the cause of action given by Lord Campbell's Act for the benefit of the widow and children of a person whose death results from injuries received through negligence is different from that which the deceased had in his lifetime, yet the material issues are substantially the same in both actions, and the widow and children claim, in effect, under the deceased; therefore, where an action is commenced by a person so injured in which his evidence is taken *de bene esse*, and the defendant has a right to cross-examine, such evidence is admissible in a subsequent action taken after his death under the Act. *TASCHEREAU and GWYNNE, JJ., dissenting.*