

DIARY FOR JULY.

1. Wed.....Dominion Day. Long vacation begins.
3. Fri.....Quebec founded by Champlain, 1608.
5. Sun.....5th Sunday after Trinity. Battle of Chipewewa, 1814.
6. Mon.....County Court Sittings for Motions, except in York. Surrogate Court Sittings.
7. Tues.....Col. Simcoe, Lieut.-Governor of Ontario, 1792.
9. Thur.....Importation of slaves into Canada prohibited, 1793.
10. Fri.....Christopher Columbus born, 1447.
11. Sat.....Battle of Black Rock, 1812.
12. Sun.....7th Sunday after Trinity.
13. Mon.....Sir John B. Robinson, 7th C.J. of Q.B., 1829.
15. Wed.....Manitoba entered Confederation, 1870.
17. Fri.....Franco-German war began, 1870
19. Sun.....5th Sunday after Trinity. Quebec capitulated to the British, 1629.
20. Mon.....British Columbia entered Confederation, 1871
22. Wed.....W. H. Draper, 5th C.J. of Q.B., 1831. W. B. Richards, 3rd C.J. of C.P., 1863.
23. Thur.....Upper and Lower Canada united, 1810.
24. Fri.....Battle of Lundy's Lane, 1814.
25. Sat.....St. James. Canada discovered by Cartier, 1534
26. Sun.....9th Sunday after Trinity.
27. Mon.....Wm. Osgoode, 1st C.J. of Q.B., 1792
29. Wed.....First Atlantic cable laid, 1866.
30. Thur.....Relief of Derry, 1689.

inter alia, for the general benefit of creditors and all the parties interested were before the court, and the Crown made no objection, the court gave effect to such assignment.

Quere: In the absence of acquiescence in such an assignment, are the assignee's rights thereunder capable of enforcement against the Crown?

3. In a case of expropriation the claimant is not obliged to prove by costly tests or experiments the mineral contents of his land (*Brown v. The Commissioners of Railways*, 15 App. Cas. 240, referred to). Where, however, such tests or experiments have not been resorted to, the court or jury must find the facts as best it can from the indications and probabilities disclosed by the evidence.

Early Notes of Canadian Cases.

EXCHEQUER COURT OF CANADA.

BURBIDGE, J.] [June 22.]

THE QUEEN v. WM. F. MCCURDY ET AL.

The Expropriation Act (R.S.C., c. 39)—Assignment of rights of land expropriated previously acquired by lease—Effect of new leases between same parties—Compensation—Assignment of—Chose in action against the Crown—Evidence.

An agreement by a proprietor to sell land to the Crown for a public work, followed by immediate possession, and, within a year, by a deed of surrender, is sufficient under s. 6 of the Expropriation Act (R.S.C., c. 39) to vest the title to such land in the Crown and to defeat a conveyance thereof made subsequent to such agreement and possession, but prior to such surrender.

1. Under s. 11 of the said Act the compensation money for any land acquired or taken for a public work stands in the stead of such land, and any claim to or incumbrance upon such land is converted into a claim to compensation, and such claim once created continues to exist as something distinct from the land, and is not affected by any subsequent transfer or surrender of such land. *Partridge v. The Great Western Railway Co.* (8 U.C.C.P. 97); *Dixon v. Baltimore and Potomac Railway Co.* (1 Mackay 78), referred to.

2. Where a chose in action was assigned,

BURBIDGE, J.] [June 25.]

MARTIN v. THE QUEEN.

Injury to person on a public work—Negligence of servant of the Crown—Brakesman's duty in putting children off car when trespassers—Damages.

1. The Crown is liable for an injury to the person received on a public work resulting from negligence of which its officer or servant, while acting within the scope of his duty or employment, is guilty.

City of Quebec v. The Queen (2 Ex. C.R. 252) referred to.

2. One who forces a child to jump off a railway carriage while it is in motion is guilty of negligence.

3. The fact that the child had no right to be upon such carriage is no defence to an action for an injury resulting from such negligence.

SUPREME COURT OF JUDICATURE FOR ONTARIO.

HIGH COURT OF JUSTICE.

Queen's Bench Division.

STREET, J.] [May 18.]

ARMSTRONG v. AUGER.

Sale of land—Contract of sale—Local improvement rates—Incumbrances—Taxes—Vendor and purchaser—Independent covenants—Equitable relief—Payment into Court.

A contract for sale of lands provided for payment of the purchase money in quarterly instal-