

impossible to show more caution and reserve in according the conclusions of the plaintiff. In doing so, the Court has incurred his marked displeasure; but I do not think respondent's criticism is unanswerable. The Court below refused to give respondent the only damage he claimed, that is, the value of the plank. There were two good reasons for this. In the first place the corporation respondent was not liable to the charge of re-instating the road. The value then of these planks was not a measure of any damage to respondent. In the second place, it was admitted on all hands that the planks belonged to the Prices. The owners of the road, charged with the cost of maintaining this *chemin de tolérance*, could not have claimed to keep these planks without indemnity. In making the road passable for their own convenience, the appellants had a perfect right to lay down planks and, so far as the owners were concerned as such, to take them away again. It was the public right, invested in the municipality, appellants violated, not that of the owners of the road as such. A familiar illustration will make my meaning clear. My neighbour is obliged to bridge a ditch he has made for his convenience, while it remains open. I do it for him. He cannot keep the plank I have furnished, without indemnity, or make me pay its price if I remove it. On the other hand, I cannot remove it to the danger of the public without due precautions. It is on these principles the judgment is based.

There is some question of a *procès-verbal*. The Court below paid no attention to this tardily discovered *pièce de conviction*. It, evidently, could have no effect on the pretensions of the parties at the time of the acts complained of, even if it be applicable to the place in question—a fact about which I express no opinion. It is not in issue.

I would confirm.

RECENT DECISIONS AT QUEBEC.

Bornage.—Pour maintenir une action en bornage, il faut que le demandeur prouve son droit de propriété ou au moins sa possession civile.—*Mann v. Hogan*, 8 Q.L.R. 1.

Verdict.—A prisoner indicted for assault with intent to rob, may be convicted of simple assault.—*Reg. v. O'Neil*, 8 Q.L.R. 3.

Taxation, Exemption from.—Une maison sise et située sur le même lopin de terre que le collège Morrin auquel elle appartient, et occupée comme logement privé par deux des professeurs du dit collège, est exempte des taxes municipales, en vertu de la Section 25 du 29 Vic. ch. 57, comme étant employée pour les fins de d'éducation, bien qu'une partie du salaire des dits professeurs soit retenue par le dit collège, comme indemnité pour l'occupation de la dite maison.—*Le Trésorier de la cité de Québec v. The Morrin College*, (Cour du Recorder), 8 Q. L. R. 3.

Manslaughter on the high seas—Jurisdiction.—The prisoner was arrested, tried, and convicted at Quebec of manslaughter. The injuries of which deceased died were inflicted by the prisoner while they were both serving on board a British ship on the high seas, but the deceased died in the district of Kamouraska. *Held*, that the Court at Quebec had no jurisdiction to try the case; the prisoner should have been tried in the District of Kamouraska; and the conviction was wrong.—*Reg. v. Moore*, 8 Q.L.R. 9.

Evidence.—Parol evidence was sufficient to prove that the ship was a British ship.—*Ib.*

Privilege—Travelling agent.—The privilege granted by C. C. Art. 2006 does not apply to a travelling agent, *commis voyageur*, paid by salary and commission.—*Ross v. Fortin* (S.C.), 8 Q.L.R. 15.

THE REPRESENTATION BILL.

By the bill to readjust the Representation in the House of Commons, numerous changes are made in the boundaries of the electoral districts of Ontario. The following is the only change in the Province of Quebec:—

"3. All that part of the parish of Ste. Monique, now in the county of Terrebonne, is hereby detached from the said county, and annexed to the county of Two Mountains, for the purposes of representation in the House of Commons of Canada; and section one of chapter two of the Consolidated Statutes of the late Province of Canada, and sub-sections thirteen and fourteen of chapter seventy-five of the Consolidated Statutes for Lower Canada, shall be read and interpreted in so far as they apply to representation in the House of Commons of Canada, in conformity to the preceding section of this Act."