

REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

Que.] CANADIAN PACIFIC RY. CO. v. LACHANCE. [May 28.
Negligence—Operation of railway—Damages—Solatium doloris
—Verdict—New trial.

The court refused to order a new trial or reduction of damages under the provisions of articles 502, 503 C.P.Q. where it did not appear that, under the circumstances, the amount of damages awarded by the verdict was so grossly excessive as to make it evident that the jury had been led into error or were influenced by improper motives. Daviez, J., dissented in respect of that part of the verdict awarding damages in favour of one of the sons who was almost 21 years of age and earning wages at the time deceased was killed.

Quære. In an action under article 1056 C.C. can a jury award damages in solatium doloris? *Robinson v. Canadian Pacific Ry. Co.* (1892) A.C. 481 referred to.

Appeal dismissed with costs.

Lafleur, K.C., and Wells, for appellants. Panneton, K.C., for respondents.

Que.] CITY OF MONTREAL v. BEAUVAIS. [May 28.
Constitutional law—Legislative powers—Early closing by-law—Unreasonable or unjust provisions.

The Act of the Quebec legislature (57 Vict. c. 50) authorizing any municipality to pass a by-law compelling all shops with certain exceptions to remain closed during specified hours is not an Act for the regulation of trade and commerce within the meaning of s. 91 of sub-s. 2 of the B.N.A. Act, 1867, and is otherwise within the competence of the legislature.

A by-law passed under the authority of said Act will not be set aside unless its provisions are shewn to be unreasonable, unjust or oppressive. Appeal allowed with costs.

Atwater, K.C., and J. L. Archambault, K.C., for appellants. Bisailon, K.C., and H. F. Bisailon, for respondent.