

The plaintiff further urged that the construction and intended use of the warehouse would create a nuisance to her which she was entitled to have prevented by an injunction, and gave some evidence as to the use by tramps and others of the vacant ground on the side of the warehouse next her property, causing unpleasant smells, but it was not shewn that defendant was lessee or occupant of that vacant ground.

Held, that there was not sufficient evidence to entitle the plaintiff to an injunction on the ground of nuisance.

Bonnar, for plaintiff. *Macdonald*, K.C., and *Haggart*, K.C., for defendant.

Full Court.]

DAVIDSON v. STUART.

[May 31.

Lord Campbell's Act—R.S.M., c. 26, ss. 2, 3—Compensation in respect of death—Measure of damages—Reasonable expectation of pecuniary benefit from continuance of life—Motion against verdict of jury—King's Bench Act, Rules 639, 640, 642.

Application to have verdict of jury in action brought under the Act respecting compensation to families of persons killed by accident, R.S.M., c. 26, in favour of plaintiff for \$1,500 damages set aside and the action dismissed, or a nonsuit, or a verdict for defendants entered, or for a new trial. The plaintiffs were the parents and sisters of the deceased who was killed by an electric shock whilst working in electric light works owned and operated by defendants, and in consequence, as it was alleged, of defects in the appliances supplied by the defendants at the works. The application was based on several grounds, but the only point decided was that relating to the evidence to shew that the plaintiffs had suffered such damages by reason of the death as the statute permits the recovery of. The deceased, who was the only son of the rector of a small parish near Montreal with an income of about \$600 a year, had been given a college education and had returned home when about 21 years old. For a time he remained at home earning nothing. Then he spent some time in the insurance business in Vermont. Then, on account of his father's illness, he went home, but soon left for Manitoba in search of occupation. There, after working at several things for about three years, he was employed by the defendants to manage their electric works at a salary of \$115 a month, out of which he had to pay \$45 a month to an engineer, and sometimes to hire other assistance. He had been thus employed about three months when he met his death. The parents were getting old and were in failing health, and it was not shewn whether they had or had not any means beyond the income of \$600 a year. The deceased contributed nothing to the support of the family during all the time he was in Manitoba; but, according to the father's evidence, he had been a great help to him when at home and had assisted him in many ways in his parish work and in matters of business,