

so started did not have an actual output worth more than \$100 per day on an average for a reasonable period, and that the words "could not have a production of more than one hundred dollars per day" did not mean mere capacity to produce that quantity whether it was actually produced or not.

Appeal dismissed with costs.

Martin, Q.C., (Ontario Bar) & *Martin* for appellant.

Béique, Q.C., & *Geoffrion, Q.C.*, for respondent.

11 March, 1895.

THE QUEEN V. FILION.

Exchequer.]

*Crown—Negligence of servants or officers—Common employment—
Law of Quebec—50 & 51 Vic., c. 16, s. 16 (c).*

A petition of right was brought by F. to recover damages for the death of his son caused by the negligence of servants of the Crown while engaged in repairing the Lachine Canal.

Held, affirming the decision of the Exchequer Court, Taschereau, J., dissenting, that the Crown was liable under 50 & 51 Vic., c. 16, s. 16 (c); and that it was no answer to the petition to say that the injury was caused by a fellow servant of the deceased, the case being governed by the law of the Province of Quebec, in which the doctrine of common employment has no place.

Appeal dismissed with costs.

Monk, Q.C., & *Coderre*, for appellant.

Hogg, Q.C., for respondent.

6 May, 1895.

VILLAGE OF POINTE CLAIRE V. POINTE CLAIRE TURNPIKE
ROAD CO.

Quebec.]

Statute—Construction of—Retroactive effect of—Municipal corporation—Turnpike Road Company—Erection of toll gates—Consent of corporation.

A turnpike road company had been in existence for a number of years in the village of Pointe Claire, and had erected toll gates