

Committee (The Lord Chancellor, Lords Macnaghten, Shand, Davey, Robertson and Lindley) reversed the decision and held that the plaintiff was without redress.

ACTS DONE UNDER STATUTORY AUTHORITY — DOMINION RAILWAY ACT, ss. 92, 288 — RAILWAY COMPANY — INJURY CAUSED BY LOCOMOTIVE — SPECIAL LEAVE TO APPEAL — COSTS.

Canadian Pacific Ry. v. Roy (1902) A.C. 220, is an appeal from the King's Bench of Quebec, and is a case on the same lines as the preceding. The appellants were sued for loss sustained by a fire caused by sparks from a locomotive on their railway. There was no evidence that the locomotive was negligently constructed or that the fire was due to any negligence of the appellants or their servants. The Provincial Court held the Railway Company liable, as under Articles 356, 1053 and 1054 of the Code, corporations are liable in the same way as individuals for damages occasioned by the acts of themselves, or their servants in the performance of the work for which they are employed. This attempt to make the Code override the Dominion Act was unsuccessful; and following the principle of the last case, the Judicial Committee (The Lord Chancellor and Lords Macnaghten, Shand, Davey, Robertson and Lindley, and Sir F. North) held that as the appellants were exercising a statutory power and no proof of positive negligence on their part was given, they were not liable for the injuries sustained by the plaintiff. The Lord Chancellor points out that the fallacy of the judgments in the Courts below consisted in their assuming that the immunity of the appellants from liability was claimed merely because they were a corporation, whereas the immunity rested on the ground of their statutory power to do the act from which the injuries had resulted. As only \$300 was at stake special leave to appeal was given, but only on the terms of the appellants though successful paying the respondent's costs.

CANADA — POWERS OF PROVINCIAL LEGISLATURE — BY-LAW.

In *Hull Electric Co. v. Ottawa Electric Co.* (1902) A.C. 237, the Judicial Committee of the Privy Council (Lords Macnaghten, Davey, Robertson, and Lindley and Sir F. North) affirmed a judgment of the King's Bench of Quebec. Under a city by-law subsequently confirmed by an Act of the Provincial Legislature