

thought ("par sa négligence grossière, son imprudence et imprévoyance coupable et malicieuse;") that the company was bound by law to keep its wharves, pontoons, etc., in good order; to put railings, guards and gates, and lights sufficient to ensure the safety of its passengers, and to light in a proper manner its wharves and pontoons, whenever necessary, all which it had failed to do for four or five months previous to the 29th October, 1883; that on that day the weather was rainy and very dark; that the husband of the plaintiff having purchased a ticket to cross on the appellant's ferry boat, went down to its wharf to take the steamer which was advertised to leave at 6.15 p.m.; that by reason of the imprudence and malicious and culpable negligence of the company, its wharf and pontoon were insufficiently lighted, and were in a dangerous and slippery condition, and not provided with doors, guards or gates, and that the ferry boat was not at the wharf, notwithstanding that the hour of its arrival had passed; that her husband, while proceeding to take the ferry, which he believed to be at the wharf, without negligence and imprudence on his part, and notwithstanding that he took all possible precautions, but by reason of the want of light, and the absence of guards or gates, fell over the wharf and was drowned; and she prayed for a condemnation for \$5,000. A perusal of the declaration establishes that the plaintiff relied upon charges of general negligence on the part of the company, and upon specific omissions: 1st, Insufficiency of light. 2nd, Want of gates, guards or railings. 3rd, The late arrival of the ferry boat. To this action the appellants pleaded the general issue, thus negating the allegations of care and prudence on the part of plaintiff's husband, and of negligence, general or special, on its own part. The company's premises consist of a large wharf, upon which the offices, etc., are built, and a double pontoon, necessary by reason of the great rise and fall of the tide to the outer one of which the ferry boat moors. The pontoons are reached by a slip in the wharf. Upon the outer pontoon is built a large freight shed, through which a passage about twelve feet wide by thirty feet long leads to the river, and by means of which the ferry boat is reached. The deceased Hésique Fournier, on his way home, at about 6 o'clock in the evening, came to the Grand Trunk ferry; he crossed diagonally the first pontoon and had to enter the narrower corridor or passage-way on the covered pontoon, at the end of which passage he expected to find the steamboat ferry

already moored and prepared to receive passengers on board. The end of this passage is closed by a door or gate sliding on rollers, which is usually kept shut for the safety of freight, and for preventing rain or snow from coming in. This door was not then closed. The deceased walked through this passage-way to get on board the ferry boat (which was late that evening), and the night being dark and foggy, and the passage lighted with only one lamp, he walked or slipped into the water and was drowned. After a lengthy trial, in which the main point urged by the plaintiff was the pretended insufficiency of the lights, the Judge who heard the case found that the death of the plaintiff's husband was solely due to his own gross negligence, want of care and prudence, and that the accident could not have happened had he exercised ordinary care and prudence, and dismissed the action. This judgment was reversed on appeal to the Court of Queen's Bench for the Province of Quebec (Mr. Justice Cross dissenting), the Court holding that the accident had been occasioned by the negligence and want of due care of the company, and not to any fault or negligence on the part of Fournier, and adjudged \$1,000 to the plaintiff. On appeal to the Supreme Court of Canada:—Held, affirming the judgment of the Court of Queen's Bench, that the evidence shewed culpable negligence on the part of the railway company in not having sufficient lights, and in not having a gate or chain to guard against accidents. The damages would not be increased, but interest should be allowed on the amount awarded by the Queen's Bench from the time of the demand. Appeal dismissed with costs. Grand Trunk Ry. Co. v. Boulanger, 17th March, 1886. See Can. S.C.R. Dig. 1893, p. 733.

NEGLIGENT MANAGEMENT OF FERRY; LIABILITY FOR INJURY TO PASSENGER.

The ticket issued to M., a traveller by rail from Boston, Mass., to St. John, N.B., entitled him to cross the St. John harbour by ferry, and a coupon attached to the ticket was accepted in payment of his fare. The ferry was under the control and management of the corporation of St. John:—Held, that an action would lie against the corporation for injuries to M. caused by the negligence of the officers of the boat during the passage. The approaches of the ferry to the wharf were guarded by a chain extending from side to side of the boat at a distance of about one and a half feet from the end. On approaching the wharf the man whose duty it was to moor the