

passenger, the owners adduced no evidence to explain the origin of the fire.

*Held*, affirming the judgment appealed from (19 Man. R. 430), that the only inference to be drawn was that the owners were grossly negligent.

In such an action the owners of the ship cannot invoke the limitation provided by s. 921 of the Canada Shipping Act, R.S.C. 1906, c. 113. *The Orwell*, 13 P.D. 80, and *Roche v. London and South Western Ry. Co.* (1889) 2 Q.B. 502, referred to.

Appeal dismissed with costs.

*Affleck*, for appellants. *Blackwood*, for respondent.

Alta.]

[Nov. 2, 1910.

GRAND TRUNK PACIFIC RY. CO. v. WHITE.

*Construction of statute—Public Works Health Act—Regulations—Breach of statutory duty.*

Sec. 3 of the Public Works Health Act, R.S.C. 1906, s. 153, provides that "for the preservation of health and the mitigation of disease amongst persons employed in the construction of public works, the Governor-General in Council may from time to time make regulations . . . (d) for the provision of hospitals on the works and as to the number, location and character of such hospitals; . . ."

*Held*, that the above works "for the preservation of health and mitigation of disease" govern the construction of the whole section and a company directed to provide a hospital for such purpose is not obliged to furnish it with applications for treating employees personally injured on its works. Appeal allowed with costs.

*Chrysler*, K.C., for the appellants. *Ewart*, K.C., for the respondents.

Que.]

[Nov. 21, 1910.

SHAWINIGAN HYDRO-ELECTRIC CO. v. SHAWINIGAN WATER & POWER CO.

*Appeal—Jurisdiction—Matter in controversy—Stare decisis—Municipal by-law—Injunction—Contract—Collateral effect of judgment—Construction of statute—Supreme Court Act, R.S.C. 1906, c. 139, ss. 36, 39(e), 46.*

The action was brought by the respondents and other rate-payers of the town of Shawinigan, against the town and Hydro-