

damages in the future, unless the cause of offence were removed at a certain time. The Court of Queen's Bench affirmed the first holding, but reversed that as to future damages.

*Held*, Gwynne, J., dissenting, that if the stable was offensive to the plaintiff he could recover damages for the inconvenience caused thereby, and the two courts having found that the cause of offence existed their judgment should be affirmed.

Appeal dismissed with costs.

*Greenshields, Q.C.*, for the appellant.

*Robidoux, Q.C.*, for the respondent.

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22 Feb., 1896.

Exchequer Court.]

COOMBS V. THE QUEEN.

*Railway company—Purchase of ticket—Rights of purchaser—Continuous journey—Right to stop over—Conditions on ticket.*

C. saw an advertisement by the Intercolonial Railway Company that on March 30, 31, and April 1, excursion tickets would be issued at one fare, not good if used after April 1st. He purchased a ticket on March 31, his attention not being drawn to conditions on the face of it, "good on date of issue only," and "no stop-over allowed," and he did not read them. He started on his journey on March 31st, and stopped over night at a place short of his destination, and took a train for the rest of the trip the next morning, when the conductor refused to accept the ticket he had and ejected him from the car as he refused to pay the fare again. He filed a petition of right to recover damages from the Crown for being so ejected.

*Held*, affirming the decision of the Exchequer Court (4 Ex. C. R. 321), that if the ticket had contained no conditions it would only have entitled C. to a continuous journey, and not have given him the right to stop over at any intermediate station, and he had still less right to do so when he had express notice that he could only use the ticket on the day it was issued and would not be allowed to stop over.

Appeal dismissed with costs.

*Orde*, for the appellant.

*Newcombe, Q.C.*, Deputy Minister of Justice, for the respondent.