while showing the course of development of the law affecting corporations, fire and life insurance, and other branches of law. The notes are extensive and valuable, and the edition is in the compact and convenient form in which the publishers have issued several other works.

SUPREME COURT OF CANADA.

QUEBEC.]

STEPHENS v. CHAUSSÉ.

Elevator—Negligence of employee—Liability of landlord—C. C. 1054—Vindictive damages—Cross appeal—No notice of.

On the 13th of April, 1883, C., an architect, who had his office on the third flat of a building known as the "Ottawa Building," in the city of Montreal, in which the landlord had placed an elevator for the use of the tenants, desiring to go to his office, went towards the door of the elevator, and seeing it open, he advanced to enter, but instead of putting his foot on the floor of the elevator, which was not there, he fell into the cellar and was seriously injured. In an action brought by C. against R., the landlord, claiming $15,000 damages for the injury and loss, it was proved at the trial that the boy (an employee of R.) in charge of the ele vator at the time of the accident, had left the elevator with the door open to go to his lunch, leaving no substitute in charge. It was shown also that C. had suffered seriously from the fracture to his skull, had been obliged to follow for many months an expensive medical treatment, and had become almost incapacitated for the exercise of his profession. C. had been in the habit of using the elevator during the absence of the boy. The trial judge awarded C. $5,000 damages, and on appeal to the Court of Queen's Bench (Appeal side), Montreal, that amount was reduced to $3,000, on the ground that he was not entitled to vindictive damages.

On appeal to the Supreme Court of Canada:

Held, affirming the judgment of the Court below, M. L. R., 3 Q. B. 270, that R. was liable for the fault, negligence and carelessness of his employee (Art. 1054, C. C.), and that the amount awarded was not unreasonable.

Held, also, that in the opinion of this Court, although the sum of $5,000 awarded in a case like the present could not be said to include vindictive damages, the judgment of the Superior Court could not be restored, there being no cross appeal.

Appeal dismissed with costs.

Carter for appellant.

St. Pierre, Q.C., for respondent.

Quebec.]

CITY OF MONTREAL v. LABELLE.

Damages—C. C. 1056—Solatium—Cross appeal—No notice of.

In an action of damages brought against the Corporation of the City of Montreal, by Z. L. *et al.*, the descendant relations of L, who was killed while driving down St. Sulpice street, (alleged to have been at the time of the accident in a bad state of repair), by being thrown from the sleigh on which he was seated, against the wall of a building, the learned judge, before whom the case was tried without a jury, granted Z.L. *et al.*, $1000 damages, on the ground that they were entitled to said sum by way of solatium for the bereavement suffered on account of the premature death of their father.

Held, reversing the judgments appealed from, that the judgment could not be affirmed on the ground of solatium, and as the respondents had not filed a cross appeal to sustain the judgment on the ground that there was sufficient evidence of pecuniary loss for which compensation may be claimed, Z. L. *et al's.* action must be dismissed with costs.

C. P. R. Co. v. *Robinson*, 10 Leg. News, 324; 14 Can. S. C. R. 105, followed.

Appeal allowed with costs.

Mathieu, for appellant.

Stephens, for respondent.

Quebec.]

QUEBEC COUNTY CONTROVERTED ELECTION CASE.

O'BRIEN v. Sir A. P. CARON.

Election petition—Judgment on motion to dismiss, non-appealable—R.S.C. ch. 9, sec. 50.

The election petition in this case was presented on the 9th April, 1887. On the 12th of September, an application was made to a Judge in Chambers to have the case fixed for