

## North-West Territories.

## SUPREME COURT.

Scott, J.]

GOODE v. DOWNING.

[Feb. 9.

*Master and servant—Improper dismissal of servant—Additional wages for  
—Jurisdiction of J. P.*

A bartender employed by an hotel keeper at a monthly salary from the first of December became temporarily incapacitated through illness on the 5th of June, and procuring a substitute left the hotel returning to work on the 10th, whereupon he was discharged by his employer being paid \$10.00 for wages up to the day he had left. He claimed the balance of two months, wages for improper dismissal and on an information before a J. P. under the Master and Servants Ordinance (C. O. 1898, C. 50) which authorizes the justice to order payment of any wages found to be due by the master to the servant, was awarded five days further wages from the 5th to the 10th, the date of dismissal, and an additional month's wages expressed to be in lieu of notice.

*Held*, on appeal from this order, that the hotel keeper was not entitled to discharge the bartender under the circumstances without notice, also that the latter was entitled to be paid wages up to the time of his dismissal. But, that the J. P. had no jurisdiction under the ordinance to order payment of the additional month's wages which although no doubt the measure of damages for improper dismissal, could not be said to be wages due.

*Bown*, for appellant. *Biggar*, for defendant.

## UNITED STATES DECISIONS.

NEGLIGENCE—LIABILITY OF RAILROADS FOR INJURIES CAUSED BY TRAINS PROJECTING OVER THE PLATFORM.—Several recent cases have called attention to the difference of opinion existing among the authorities on the question of a railroad's liability for injuries caused by trains projecting over the platform of a station. In the recent case of *Lehigh Valley Railroad Co. v. Dupont*, 128 Fed. Rep. 840, the United States Circuit Court of Appeals for the second circuit held that a passenger has a right to assume that the platform is so related to the track that the train will not sweep over any part of it. This case is also supported by the cases of *Dobiecki v. Sharp*, 88 N. Y. 203, and *Archer v. Railroad*, 106 N. Y. 589, 13 N. E. Rep. 318.

A contrary view is taken in the recent case of *Norfolk & Western Ry. v. Hawkes*, 9 Va. Law Reg. 1060, where the supreme court of Virginia held that a railroad employee of intelligence whose duty it is to attend passenger trains and receive the mail pouch, and who, seeing a train approaching, stands near the edge of the depot platform, which is