

spring season. There must be a clear case of negligence before liability ensues.

In my opinion the plaintiff has not established his case and the judgment of the Court below should be confirmed.

M. le juge Demers, dissident.

Fleet, Falconer, Phelan and Bovey, attorneys for plaintiff.

Laurendeau, Archambault, Lavallée, Damphousse, Jarry, Butler and St-Pierre, attorneys for defendant.

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Authorities for plaintiff:—*Corporation of Sherbrooke v. Shart*, 15 R. L., 283; M. L. R., 3 B. R., 50;—*D'Estimauville v. City of Montreal*, 18 C. S., 470;—*Bonin v. City of Montreal*, 15 S. C., 492.

Authorities for defendant:—*Plante v. City of Montreal*, 8 mars 1915;—*Papineau v. Cité de Montréal*, no. 1196, 7 avril 1908;—*Craig v. Cité de Montréal*, 45 C. S., 475;—*Spedding & Co. v. Cité de Montréal*, no. 58 C. S., 28 avril 1913;—*Martin v. Cité de Montréal*, no. 2669, 14 nov. 1913;—*McTasney v. Cité de Montréal*, no. 910, 16 février 1915;—*Legault v. Cité de Montréal*, 12 C. S., 479.

COUR SUPÉRIEURE.

**Loi des accidents du travail—Veuve—Effort musculaire— Lésion interne— Accident du travail—
Preuve—Où-dire—Déclaration—Allégations.**

ARTHABASKA, 12 avril 1915.

POULIOT, J.

DAME BEAN v. ASBESTOS CORPORATION OF CANADA.

1. Toute preuve par où-dire est, en principe, interdite,