

REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

Que.]

TOUSSIGNANT v. NICOLET.

[May 14.

*Appeal—Jurisdiction—Annulment of proces-verbal—Matter in controversy.*

The Supreme Court of Canada has no jurisdiction to entertain an appeal in a suit to annul a proces-verbal establishing a public highway notwithstanding that the effect of the proces-verbal in question might be to involve an expenditure of over \$2,000 for which the appellants' lands would be liable for assessment by the municipal corporation. *Dubois v. Village of Ste. Rose*, 21 Can. S.C.R. 65; *The City of Sherbrooke v. McManamy*, 18 Can. S.C.R. 594; *County of Vercheres v. Village of Verennes*, 19 Can. S.C.R. 365, and *Bell Telephone Co. v. City of Quebec*, 20 Can. S.C.R. 230 followed. *Webster v. City of Sherbrooke*, 24 Can. S.C.R. 52, 268, and *McKay v. Township of Hinchinbrooke*, 24 Can. S.C.R. 55, referred to. *Reburn v. Parish of Ste. Anne*, 15 Can. S.C.R. 92, overruled. Appeal quashed with costs.

*Laflour*, K.C., for the motion *Atwater*, K.C., contra.

N.S.]

GRANT v. ACADIA COAL CO.

[May 27.

*Negligence—Working of mines—Statutory mining regulations—R.S.N.S. (5 ser.) c. 18—Fault of fellow-workmen.*

The defendant company employed competent officials for the superintendence of their mines, and required that the statutory regulations should be observed. A labourer was sent to work in an unused balance which had not been fenced or inspected and an explosion of gas occurred from the effects of which he died. In an action for damages by his widow,

*Held*, reversing the judgment appealed from (*TASCHEREAU* and *SEDGEWICK*, JJ., dissenting) that as the company had failed to maintain the mine