ance as a mere trespass, and should bring suit against the trespasser for the recovery of the damages which he has suffered by reason of such trespass, and to prohibit the trespasser from further disturbing him in his enjoyment. If the trespasser by his pleas raises a claim of right, the lessee should notify the lessor of the disturbance, and can then bring an action in warranty against the lessor for the purpose of obtaining a reduction of rent, and damages.

Per DORION, C. J.:—On the merits the action should be dismissed, the appellants by the agreement in question having assumed all risk of diminished income in the working of the telegraph lines transferred by respondents, and having entered into this agreement after the Canadian Pacific Railway Company had obtained authority from Parliament to establish telegraph lines for the transmission of messages for the public.—*Great Northwestern Telegraph Co. of Canada & Montreal Telegraph Co.*, Dorion, C.J., Tessier, Cross, Baby, Doherty, JJ., September 22, 1890.

Commercial corporations—Taxes on—45 Vict. (Q.), c. 22.

Held:—Affirming the judgment of Johnson, J., M. L. R., 4 S. C. 394, That the Act 45 Vict. (Q.), c. 22, applies only to commercial corporations; and that persons associated as underwriters, but not incorporated, are not subject to the taxes imposed by the Act in question.—*Lambe es qual. & Allan et al.*, Dorion, C. J., Tessier, Bossé, Doherty, JJ., Nov. 22, 1890.

Master and servant—Responsibility of employer—Negligence.

Held:—Reversing the judgment of Doherty, J., M. L. R., 5 S. C. 97, That where an accident occurs to an employee, not in consequence of any fault or neglect of his employer, but solely through his own negligence and disregard of the directions given to him, the employee has no action to be indemnified. So where an employee was directed to change a belt after six o'clock when the machinery would be stopped, and in disregard of the order he attempted to remove the belt before six o'clock while the shaft was still in motion, it was held that he had no right to be indemnified for the injury sustained.—*Desroches & Gauthier*, 5 Leg. News, 404; *St. Laurence Sugar Refining Co. & Campbell*, M. L. R., 1 Q. B. 290, followed.—*Dominion Oil Cloth Co. & Coallier*, Dorion, C.J., Tessier, Cross, Baby, Bossé, JJ., (Tessier and Baby, JJ., diss.) Sept. 22, 1890.

Constitutional Law—City of Montreal—Licensing sale of meat—37 Vict. (Q.), ch. 51, s. 123, ss. 27, 31.

Held:—Following *Pigeon & Cour du Recorder*, M. L. R., 6 Q.B. 60, affirmed by Supreme Court, 17 Can. S. C. R. 195, 1. That subsections 27 and 31 of sect. 123 of 37 Vict. (Q.), ch. 51, by which the council of the city of Montreal is authorized to regulate, license, or restrain the sale, in any private stall or shop in the city outside of the public meat markets, of fresh meats, vegetables, fish or other articles usually sold on markets, is within the powers of the provincial legislature.

2. That the by-law passed by the city council of Montreal under the authority of the statute above cited, fixing the license to sell in a private stall at $200, is valid.—*Corbeil et al. & La Cité de Montréal*, Dorion, C.J., Tessier, Baby, Bossé, Doherty, JJ., Sept. 24, 1890.

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*SUPERIOR COURT—MONTREAL.**

Accident sur la voie publique—Responsabilité des compagnies de transports—Irresponsabilité des enfants en bas âge—Employés et conducteurs de chars incompétents et n'ayant pas une vue normale—Expertise médicale—Dommages réels—Indemnité pour certains frais.

Jugé:—1. Qu'une compagnie de chars urbains est responsable d'un accident par lequel un enfant de deux ans a été tué sur sa voie, par suite de l'infirmité du conducteur qui avait la vue trop courte pour voir à distance.

2. Que dans l'espèce l'enfant tué étant très jeune ne pouvait pas discerner le danger et n'a pas pu contribuer à l'accident.

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