

for a time abandoned the master's business, had returned to it before and at the time of the accident.

The action must be dismissed, and the \$30 in Court returned to defendants, but I hope they will be soulful enough not to ask for costs.

OCTOBER 1ST, 1906.

DIVISIONAL COURT.

CITY OF TORONTO v. GRAND TRUNK R. W. CO.

Costs—Taxation between Party and Party—Charges for Searches for Documents—Allowances for.

Appeal by defendants the Grand Trunk R. W. Co. from order of BOYD, C., ante 310.

R. C. H. Cassels, for appellants.

W. Johnston, for plaintiffs.

Shirley Denison, for defendants the Canadian Pacific R. W. Co.

The Court (MEREDITH, C.J., MACMAHON, J., TEETZEL, J.), dismissed the appeal with costs.

OCTOBER 1ST, 1906.

C.A.

McBAIN v. WATERLOO MANUFACTURING CO.

Master and Servant—Injury to Servant—Dangerous Machine—Absence of Guard—Factories Act—Proximate Cause of Injury—Negligence—Damages.

Appeal by defendants from order of a Divisional Court affirming judgment of MACMAHON, J., after a trial without a jury, awarding plaintiff \$1,200 damages for injuries received while working in defendants' employment.