

to the adjoining property of S. The Superior Court and the Court of Review both held that the origin of the fire was a mystery, and that it was not proved to have been caused by any fault of the company. On appeal from the decision of the Court of Review (Q.R. 9 S.C. 319),

*Held*, that as there was nothing to shew that the judgment appealed from was clearly wrong or erroneous, the Supreme Court would not interfere with it. Appeal dismissed with costs.

*Geoffrion*, Q.C., for the appellant.

*Greenshields*, Q.C., and *Laflour* for the respondent.

Quebec.]

[Dec. 9, 1896.]

MONTREAL ROLLING MILLS CO. v. CORCORAN.

*Negligence—Cause of accident—Evidence—Presumptions—Art. 1053 C.C.—Quebec Factories Act (R.S.Q., arts. 3019-3053)—Police regulations—Civil responsibility.*

An engineer in charge of the engine and machinery of a rolling mills company was killed by being caught in a belt or a fly wheel while acting in discharge of his duty. He was alone at the time, and no certain evidence could be obtained, in an action by his widow, as to the immediate cause of the accident. It was contended that the fact that the fly wheel and machinery were not securely guarded or fenced, contrary to the provisions of "The Quebec Factories Act" (R.S.Q., arts. 3019-3053) was sufficient evidence of negligence to make the employers of the deceased liable.

*Held*, reversing the judgment of the Court of Queen's Bench, that it was necessary to prove by direct evidence, or by weight, precise and persistent presumptions, that the accident was caused by the positive fault, imprudence or neglect of the employers, and for want of such proof they were not liable.

*Held*, further, that the said provisions of the Factories Act are intended to operate purely as police regulations, and do not affect the civil responsibility of employers towards employees as provided by the Civil Code.

Appeal allowed with costs.

*McGibbon* and *Riddell*, for the appellants.

*Guerin*, for the respondent.

Ex. Adm.]

[Dec. 9, 1896.]

SHIP "CUBA" v. McMILLAN.

*Maritime law—Collision—Rules of the road—R.S.C. c. 79, s. 2, sub-secs. 15, 16, 18, 19, 21 to 23—Compliance with signal—Negligence.*

The steamship "Elliott," from Charlottetown to Sydney, C.B., arrived off Law Point, in Sydney Harbour, about 7.30 p.m. and stopped for a pilot, who came aboard and headed her up channel at full speed on a course towards the northerly side, her proper course in a narrow channel. After proceeding awhile the masthead light of a vessel was seen over the south-east bar moving in a northerly direction across the mouth of the harbor. Presently both side lights became visible also, and all three were seen for about ten minutes a point or a point and a half on the port bow. This vessel was the "Cuba,"