

learn whether any, and if any what, views were entertained by the Board upon the question of their jurisdiction; and from what I have now learned it is probable that no question of that character arose, that the order made by the Board was made entirely upon the consent of the parties represented upon the application for the annexation proclamation and order, that is, the city and the township only.

BRITTON, J.

JULY 2ND, 1914.

### JUNOR v. INTERNATIONAL HOTEL CO. LIMITED.

*Master and Servant—Injury to and Death of Servant—Action under Fatal Accidents—Explosion of Hot Water Range in Hotel Kitchen—Common Law Liability—Employment of Competent Persons by Hotel Company—Independent Contractor—Findings of Jury—Negligence of Fellow-servants—Common Employment—Evidence.*

Action under the Fatal Accidents Act to recover damages for the death of the plaintiffs' daughter by reason of the negligence of the defendants, as the plaintiffs alleged.

The action was tried before BRITTON, J., and a jury, at Sault Ste. Marie.

J. E. Irving, for the plaintiffs.

Gideon Grant, for the defendants.

BRITTON, J.:—The plaintiffs are the parents of Jean Junor, who when living was the head waitress in the defendants' hotel at Sault Ste. Marie, and who was killed at that hotel on the 18th May, 1913, by the explosion of the range, or hot water attachments thereto, in the kitchen of the hotel, where she was engaged in the performance of her ordinary work. This action is brought under the Fatal Accidents Act, the plaintiffs being father and mother respectively and being persons having a reasonable expectation of pecuniary interest in or benefit from the life of their daughter.

The negligence charged is, that the defendants so negligently and carelessly set up and installed the range and attachments as to cause the explosion. The plaintiffs further allege that it was