

been passed, but s-s. 2 seems to suggest that it would make an increased assessment, if necessary, more easy of accomplishment, and, again, it may have been thought that in case of sales by a large proprietor the sewer rate being fixed by frontage rate according to the benefit derived by the land would facilitate the ascertainment of the exact sum charged on any particular portion.

I am not, however, much concerned about that; it is an isolated section, though there are others in the Act referring to the same matter, which if apparently difficult to reconcile with other sections cannot be allowed to antagonize the principle underlying the whole of these local improvement clauses.

There is this to be said: If Larkworthy had sold a strip of eight feet off the front of his ten-acre lot, and if the views which I take are incorrect, or, rather, the views put forward in argument are correct, there might be great difficulty in assessing him at all, no matter how much his lands might be benefited, except under s. 623 (a).

On the state of facts set out here I direct the appellant's name to be struck out, as a person whose lands will, on the evidence placed before me, not be benefited directly, specially, or otherwise, by the proposed sewer.

Notes of Canadian Cases.

SUPREME COURT OF CANADA.

Ontario.]

O'CONNOR v. HAMILTON BRIDGE COMPANY.

[May 6.

Negligence—Use of dangerous machinery—Orders of superior—Reasonable care.

O. was employed in a factory for the purpose of heating rivets, and one morning, with another workman, he was engaged in oiling the gearing, etc., of the machinery which worked the drill in which the rivets were made. Having oiled a part, the other workman went away for a time, during which O. saw that the oil was running off the horizontal shaft of the drill, and called the attention of the foreman of the machine shop to it, and to the fact that the shaft was full of oil. The foreman said to him, "Run her up and down a few times and it will throw her off." The shaft was seven feet from the floor, and on it was what is called a buggy, which could be moved along it on wheels. Depending from the buggy was a straight iron rod, into the hollow end of which was inserted the drill secured by a screw, and attached to the buggy was a lever over six feet long. O., when so directed by the foreman, tried to move the buggy by means of the lever, but found he could not. He then went round to the back of the spindle, and, not being able then to move the buggy, came round to the front, put his two hands upon the jacket around the spindle, and put the weight of his body against it; it then moved, and he stepped forward to recover his balance, when the screw securing the drill caught him about the middle of the body, and he was seriously injured. In an action against his employer for dam-