

The words "any officer or servant of the Crown" in the section referred to, do not include officers and men of the Militia. Appeal dismissed with costs.

Charbonneau, K.C., for appellant. *Fitzpatrick*, K.C., and *Newcombe*, K.C., for respondent.

Ont.]

TORONTO RAILWAY CO. v. SNELL.

[April 1.

Negligence—Electric railway—Motorman—Workmen's Compensation Act—Injury to conductor.

The motorman of an electric car may be a "person who has charge or control" within the meaning of s. 3 of the Workmen's Compensation Act (R.S.O. 1897, c. 160) and if he negligently allows an open car to come in contact with a passing vehicle, whereby the conductor who is standing on the side in discharge of his duty, is struck and injured, the Electric Co. is liable in damages for such injury. Judgment of the Court of Appeal, 27 Ont. A. R. 151, affirmed.

Bicknell, for appellant. *Robinette* and *Godfrey* for respondent.

Province of Ontario.

COURT OF APPEAL.

Moss, J. A.]

McGUIRE v. CORRY.

[May 7.

Appeal—Extension of time for—Application to opposite solicitor—Unreasonable terms—Costs.

Where the respondent's solicitor refused, except upon more stringent terms than the Court would impose, to extend the time for delivery by the appellant of the draft appeal case and reasons of appeal, and the appellant, declining to accept the terms, moved before a Judge of the Court of Appeal and obtained an order extending the time, the costs of such motion were made costs to the appellant in the appeal.

D. O'Connell, for appellant. *E. B. Stone*, for respondent.