

the permissive sense; and they have failed to do so. The only substantial argument is, that the Legislature has given an appeal which may become abortive if, by reason of delay of the parties, or of the time occupied in hearing it, or the delay of the Judge in giving judgment after argument, it is not disposed of by the 1st August. But the words of the sub-section are in the emphatic negative form, and there is an excepted case, "except as provided in secs. 58-61," in which it seems to be implied that judgment may be deferred. The force of this exceptive language as aiding the construction of what follows is not weakened by the fact that it may not be very easy to apply the exception. Then, as to the argument from inconvenience. The rolls have been in fact equalized by the county council. If the appeal drops, the council proceeds upon its own decision, which operates only upon the taxation of the present year. There is no such serious inconvenience involved in the loss of the appeal for a single year as to warrant the Court in giving the language of sub-sec. 7 less than its full force, and treating it as otherwise than an absolute prohibition against continuing the appeal after the date specified as the last day for giving judgment thereon.

Appeal allowed with costs here and below, and order made for prohibition.

Lennox, Ardagh, Cowan, & Brown, Barrie, solicitors for township corporation.

Hewson & Creswicke, Barrie, solicitors for county corporation.

APRIL 12TH, 1902.

C. A.

MYERS v. SAULT STE. MARIE PULP AND PAPER CO.

Master and Servant—Injury to Servant—Dangerous Machinery—Unsecured Ladder—Removal of, by other Workman causing Injury to Fellow-workman does not Relieve Master from Liability—Negligence — Proper Precautions for Guarding Machinery a Question for Jury—Excessive Damages.

Appeal by defendants from judgment for plaintiff for \$4,500, entered by FALCONBRIDGE, C.J., upon the answers of a jury to seven questions submitted to them in action for damages. The plaintiff J. W. Myers is the father and next friend of the plaintiff Harry Myers, a lad 19 years old, who was employed by defendants in attending to a dryer and wet press, and whose duties consisted in taking pulp off the press-rolls,