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BOYD, C.

OCTOBER 1ST, 1906.

TRIAL.

WILLIS v. BELLE EWART ICE CO.

*Master and Servant—Injury to Third Person by Negligence of Servant—Responsibility of Master—Servant in Charge of Master's Vehicle, but Departing from Course of Employment—Negligence.*

Action for damages for injuries sustained by plaintiff, owing to the alleged negligence of a driver of an ice waggon in the employment of defendants, resulting in a collision with a motor-bicycle upon which plaintiff was travelling in a public street in the city of Toronto.

F. Arnoldi, K.C., for plaintiff.

B. H. Ardagh, for defendants.

BOYD, C.:— . . . The waggon was driven by a man called Leslie, who had been for some days in defendants' employment, and was accounted a sober, steady man. The accident occurred between 8 and 9 p.m. on 10th October, 1905.

The main business was to take a load of ice and distribute it to customers of defendants, who lived on a fixed route in the western part of the city south of Queen street. The driver's duty was to start from defendants' barns on the east side of Jarvis street, south of the Esplanade, about 8 in the morning, and to return after delivering the ice along his beat, which in due course would take till about 4 or 5 in the afternoon.