

MIDDLETON, J., in a written judgment, said that a field-day to stimulate recruiting was arranged by a committee of citizens of Alexandria, named at a public meeting called by the Mayor. This committee was, as might be expected, not organised on a business basis, but loosely. Correspondence took place with the military authorities at Ottawa, and a machine-gun was sent from Kingston, with several belts of ball-cartridge. A target was erected under the supervision of the military, in the Fair-grounds; and, when the day came, the gun was operated by the officer in charge. The cartridges supplied were not quite suited to the gun, and failed to explode with regularity; and so some shells which had not exploded were ejected from the gun along with the exploded shells. The gun was fired from a platform; and, after it had ceased firing, a number of boys and young men crowded on the platform and attempted to obtain exploded shells as souvenirs. Attempts were made by the military to prevent this, and warnings were given as to the danger of taking the live cartridges. It appeared that a boy took one of these and inserted it in the barrel of the gun, which had been removed from the tripod and placed upon the platform to cool while the officer in charge was packing it for the return to Kingston. The gun-barrel was so hot that the cartridge exploded, and the plaintiff was struck.

The officer was not at fault; and it was not easy to place any blame save on the boy.

The injury inflicted was most serious.

The case was a peculiarly hard one, no matter how determined—hard upon the plaintiff if he could not recover against some one; and hard upon the defendants, who were public-spirited citizens, seeking to aid recruiting, if the plaintiff could recover against them.

The learned Judge now stated the facts so that they might be laid before those in authority with the view of seeing whether some compensation could not be made to the plaintiff out of public money. The accident was the result of what was being done in furtherance of the war; and the plaintiff stood in the same place as a wounded soldier.

If damages should be awarded, they would be assessed at \$3,000.

If no arrangement be made, the case must be argued upon the facts found.