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No. 16

APPELLATE DIVISION.

DECEMBER 27TH, 1913.

*STORY v. STRATFORD MILL BUILDING CO.

Master and Servant—Injury to Servant—Work of Constructing Mill—Negligence of Foreman—Liability—Tort Committed in Province of Quebec—Remedy in Ontario—Quebec Law—"Actionable" Delict—Workmen's Compensation for Injuries Act—Extra-territorial Effect—Law of Domicile of Parties—Act or Omission not Justifiable in Quebec—9 Edw. VII. ch. 66 (Q.)—Findings of Jury—Judge's Charge—Damages—Quantum—Secs. 2, 14, 15, of Quebec Statute—Evidence—Improper Admission—Immateriality.

Appeal by the defendants from the judgment of KELLY, J., 4 O.W.N. 1212.

The action was brought in Ontario by a millwright formerly employed by the defendants, an Ontario corporation, in the work of building a mill at a place in the Province of Quebec, to recover damages for injuries sustained while working, owing, as alleged, to the negligence of the defendants, or some one in their employment.

The action was tried with a jury, and the trial resulted in a verdict for the plaintiff for \$1,500, for which sum the trial Judge directed that judgment should be entered with costs.

The appeal was heard by MACLAREN, J.A., RIDDELL, SUTHERLAND, and LEITCH, JJ.

R. S. Robertson, for the defendants.

J. Hilliard, K.C., for the plaintiff.

*To be reported in the Ontario Law Reports.