

under the Rules, unless there is something in the judgment or order of reference expressly limiting his powers in the particular case.

There is nothing of the kind in this case.

Even if the Master was not empowered to deal with the question, it was competent for the Court to deal with it on further directions.

The reasons stated by the learned Chief Justice and the authorities cited by him fully support his judgment.

The appeal is dismissed with costs.

If the appellant was not within the rule as to trustees, he would still be liable for interest from the date of the commencement of the action.

There was then a demand for restitution of the moneys withdrawn, but he wrongfully or without title retained them, and has not yet restored them.

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C.A.

SEPTEMBER 14TH, 1903.

GLASGOW v. TORONTO PAPER MANUFACTURING  
CO.

*Master and Servant—Injury to Servant—Workmen's Compensation Act—Defect in Machine—Unsatisfactory and Inconsistent Findings of Jury—New Trial.*

Appeal by defendants from judgment of BRITTON, J., in favour of the plaintiff, upon the findings of the jury, in an action for damages for injuries sustained by plaintiff while in the employment of defendants owing to the alleged negligence of defendants, under the Workmen's Compensation Act and at common law.

H. Cassels, K.C., and R. S. Cassels, for appellants.

G. I. Gogo, Cornwall, and H. Beattie, Clinton, for plaintiff.

The judgment of the Court (MOSS, C.J.O., OSLER, MACLENNAN, MACLAREN, J.J.A.), was delivered by

OSLER, J.A.— . . . The plaintiff, a young man of 19 years of age, went into defendants' employment in the month of June, 1902. He was put to work at a paper cutting ma-