

found the netting or screen used to break or reduce the escape of cinders, in a very bad condition; it had 3 holes in it, 2 of which were described as large enough to admit a man's 3 fingers. Admittedly a screen in that condition was defective and unfit for the purpose intended, and would be a source of danger in allowing large cinders to escape. It was in evidence for the defendants that the locomotive had been inspected on 21st April, and a witness who inspected it swore that on that day he did not find any such holes and was sure they did not exist on that day. From its condition on the 23rd it is inconceivable to me, in the absence of any evidence of any accident accounting for the holes in the screen during its use on the 22nd, that it could have been properly inspected on the 21st, and, in my opinion, it was not properly inspected before it left for the trip on the 22nd. If it had been properly inspected, which it was the duty of the defendants to have done, the defects could have been discovered. I am, therefore, of the opinion that the plaintiff has established negligence entitling him to recover, and I fix the amount of his loss on 22nd April, 1908, at \$300, and direct judgment to be entered for that sum with costs, not including costs in respect of his claim for the July fire, as to which I make no order for costs.
