

The appeal to the Supreme Court of Ontario (Second Appellate Division) was heard by HON. SIR WM. MULOCK, C.J.Ex., HON. MR. JUSTICE RIDDELL, HON. MR. JUSTICE SUTHERLAND, and HON. MR. JUSTICE LEITCH.

R. U. McPherson, for the appellant.

G. R. Geary, K.C., and Irving S. Fairty, for the defendants.

THEIR LORDSHIPS (v.v.), dismissed the appeal with costs.

SUPREME COURT OF ONTARIO.

SECOND APPELLATE DIVISION.

MARCH 5TH, 1914.

MERCANTILE TRUST v. STEEL CO. OF CANADA,
LTD., & GRAND TRUNK R.W. CO.

6 O. W. N. 1.

Negligence—Railway—Operation of Cars on Siding—Negligence of Those in Charge of Cars—Damages—Apportionment—Allowance for Maintenance.

MIDDLETON, J., 25 O. W. R. 272; 5 O. W. N. 307, in an action for damages for the death of a foreman employed by the defendant steel company by reason of the operation of cars upon a siding upon the property of such company, found the railway company guilty of negligence in connection with such operation and awarded the plaintiff \$2,500 damages.

SUP. CT. ONT. (2nd App. Div.) affirmed above judgment.

Appeal by the defendants, the Grand Trunk R.W. Co., from a judgment of HON. MR. JUSTICE MIDDLETON, 25 O. W. R. 272.

The appeal to the Supreme Court of Ontario (Second Appellate Division) was heard by HON. SIR WM. MULOCK, C.J.Ex., HON. MR. JUSTICE CLUTE, HON. MR. JUSTICE RIDDELL, HON. MR. JUSTICE SUTHERLAND, and HON. MR. JUSTICE LEITCH.

E. L. McCarthy, K.C., for the appellants.

W. S. McBrayne, for the plaintiffs, respondents.

THEIR LORDSHIPS (v.v.) dismissed the appeal with costs.