

The Ontario Weekly Notes

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APPELLATE DIVISION.

FIRST DIVISIONAL COURT. JANUARY 24TH, 1916.

*DUBE v. ALGOMA STEEL CORPORATION LIMITED.

Negligence—Death of Person Operating Derrick—Negligence of Owner of Derrick—Negligence of Hirer—Findings of Jury—Evidence—Contributory Negligence—Master and Servant—Effect of Hiring Crew of Derrick from Owner—Workmen's Compensation for Injuries Act.

Appeal by the defendant the Algoma Steel Corporation Limited from the judgment of BRITTON, J., 8 O.W.N. 513, upon the findings of a jury, in favour of the plaintiff as against that defendant; and cross-appeal by the plaintiff from the same judgment in so far as it dismissed the action against the defendant the Lake Superior Paper Company Limited.

The appeals were heard by MEREDITH, C.J.O., GARROW, MACLAREN, MAGEE, and HODGINS, JJ.A.

A. W. Anglin, K.C., for the appellant the Algoma Steel Corporation Limited.

T. P. Galt, K.C., and E. V. McMillan, for the plaintiff.

W. M. Douglas, K.C., for the respondent the Lake Superior Paper Company Limited.

HODGINS, J.A., read a judgment in which he said that the crane and its attendants were hired by the steel company. The jury had found against the paper company on the ground that they had supplied a machine lacking the proper equipment. But that equipment was necessary only in cases where the crane was used in lifting with a long arm or where the weight was very heavy.

*This case and all others so marked to be reported in the Ontario Law Reports.