

demeanour of the witnesses or what was deposed to at the trial. There was documentary evidence, and undisputed evidence, of the plaintiff's conduct at the time of and after the happening of the alleged accident, far more cogent and trustworthy than anything he alleged after he was dismissed from the defendants' service. That the floor was out of repair, dangerous, and calculated or liable to cause an accident, was not enough. Did it occasion the injuries now complained of by the plaintiff? Reading the plaintiff's letters, written at the time, complaining of overloading and over-exertion occasioned by the acts of his fellow-employees and of strain and temporary inconvenience, fundamentally different from anything now set up, and reading these letters in the light of all that had since occurred, it was impossible to believe that the condition of the floor occasioned the injury or that there was reasonable evidence to support this part of the plaintiff's claim.

The plaintiff was entitled to the bonus of \$20; his recovery should be confined to that; and there should be no costs to either party of the action or appeal.

SECOND DIVISIONAL COURT.

MAY 12TH, 1916.

RE CITY OF PETERBOROUGH AND PETERBOROUGH
ELECTRIC LIGHT AND POWER CO.

Arbitration and Award—Compensation for Electric Works Expropriated by City Corporation—Claims Excluded by Statutes from Consideration of Arbitrators—Evidence—Appeal from Award—Right to Examine Arbitrators as Witnesses in Support of Appeal.

Appeal by the Corporation of the City of Peterborough from the order of BRITTON, J., 9 O.W.N. 119, dismissing an appeal from an award of arbitrators and refusing an application for the examination of the arbitrators as witnesses in support of the appeal.

The award was for the payment of \$154,615 as compensation for the property of the company compulsorily taken by the city corporation.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and MASTEN, JJ.

M. K. Cowan, K.C., and G. N. Gordon, for the appellants.

W. N. Tilley, K.C., for the company, respondents.

Strachan Johnston, K.C., for bondholders of the company.