

to be something over and above mere maintenance—addition to maintenance. See *Davidson v. Davidson*, 17 Gr. 219.

It is quite clear that a money payment will be best for both mother and son—in fact, to supply food and clothing in kind would lead to constant friction.

I am of opinion that, until and unless otherwise ordered, Robert Leishman shall pay to his mother Charlotte Leishman for her maintenance as provided in the will the sum of \$40 for each month, payments to be made on the 15th day of each month, unless that day is Sunday or a holiday, and in case of the 15th being a Sunday or holiday, payment shall be made on the next working day, the first payment to be made on the 15th August next; arrears from the time Robert ceased paying at the rate of \$20 a month to be paid on or before the 15th July next.

Upon the question of jurisdiction, Rule 600 is wide enough to cover such an application as the present, and to permit its being disposed of on originating motion.

No order as to costs.

LENNOX, J.

JUNE 30TH, 1914.

SODEN v. TOMIKO MILLS LIMITED.

*Master and Servant—Death of Servant—Negligence—Knowledge of Possible Danger—Instruction—Warning—Death Caused by Want of Care on Part of Deceased—Findings of Fact of Trial Judge—Costs.*

Action by Matilda Soden, widow of John Soden, to recover damages for his death, while working in the defendants' lumber mill, by lumber falling upon him, while he was engaged in removing it, owing, as the plaintiff alleged, to the negligence of the defendants.

The action was tried without a jury.

J. C. Makins, K.C., for the plaintiff.

A. E. Fripp, K.C., for the defendants.

LENNOX, J.:—The plaintiff has failed to establish a cause of action against the defendant company. In the situation in