

THE
ONTARIO WEEKLY REPORTER

(TO AND INCLUDING OCTOBER 27TH, 1906).

VOL. VIII. TORONTO, NOVEMBER 1, 1906. No. 14

CARTWRIGHT, MASTER.

OCTOBER 22ND, 1906.

CHAMBERS.

ANDERSON v. NOBELS EXPLOSIVE CO.

Writ of Summons — Service out of Jurisdiction — Cause of Action—Rule 162 (e)—Tort Committed in Ontario—Injury to Plaintiff by Defective Fuse Supplied to his Employers by Defendants in Foreign Country.

Motion by defendants to set aside an order obtained by plaintiff allowing service upon the defendants at Glasgow, Scotland, of the writ of summons and statement of claim, and to set aside the writ and the statement of claim and the service thereof effected upon defendants.

W. H. Blake, K.C., for defendants.

T. N. Phelan, for plaintiff.

THE MASTER:—The statement of claim alleges: (1) that plaintiff is a labourer, and resides at Byng Inlet, in the province of Ontario, and that defendants carry on business and have their head office at Glasgow, in Scotland; (2) that plaintiff in February last was employed by the James Bay Railway Company in blasting in Ontario, and that the fuse used was manufactured and sold by defendants; (3) that while plaintiff was so engaged there was a premature explosion, through the fuse being defective, which severely injured plaintiff, causing him to lose one of his eyes; (4) that defendants were negligent in allowing the fuse to be manufactured and sold in a defective condition, the negligence being that there was a space left in the fuse in which