

and the authorities. He was also of the opinion that the appeal should be dismissed.

LENNOX, J., was of the same opinion, for reasons stated in writing, in which he also reviewed the evidence.

MASTEN, J., reluctantly agreed in the conclusion. The trial appeared to him to present so many unsatisfactory features that he would have been glad to see a new trial directed, but felt himself overborne by the reasoning of the other members of the Court.

Appeal dismissed with costs.

SECOND DIVISIONAL COURT.

MAY 12TH, 1916.

PLANT v. CONSUMERS BOX AND LUMBER CO.

Master and Servant—Injury to Servant—Negligence—Dangerous Condition of Floor of Factory—Failure to Shew that Injury Caused thereby—Weight of Oral Evidence—Documentary Evidence—Reversal of Finding of Trial Judge by Appellate Court—Recovery of Bonus—Costs.

Appeal by the defendants from the judgment of one of the Judges of the County Court of the County of York in favour of the plaintiff in an action for damages for negligence whereby the plaintiff was injured while in the defendants' service; and for \$20 said to be owing as a bonus for satisfactory service. At the trial in the County Court, the Judge found in favour of the plaintiff for the \$20 and for \$130 damages, and gave judgment for the plaintiff for those sums with costs.

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

R. McKay, K.C., for the appellants.

J. J. Gray, for the plaintiff, respondent.

LENNOX, J., reading the judgment of the Court, said that the Court would not readily reverse the judgment of the trial Judge on the weight of the *vivâ voce* evidence as to the negligence of the defendants and the condition of the flooring in their factory at the time of the injury to the plaintiff. The determination of the case, however, did not solely or mainly depend upon the