

THE LEGAL NEWS.

VOL. XIX.

DECEMBER 15, 1896.

No. 24.

SUPREME COURT OF CANADA.

OTTAWA, 9 December, 1896.

Quebec.]

MONTREAL ROLLING MILLS CO. v. CORCORAN.

*Negligence—Cause of accident—Evidence—Presumptions—Art. 1053
C. C.—Quebec Factories Act (R. S. Q. arts. 3019-3053)—
Police regulations—Civil responsibility.*

An engineer in charge of the engine and machinery of a Rolling Mills Company was killed by being caught in a belt, or a fly wheel, while acting in discharge of his duty. He was alone at the time, and no certain evidence could be obtained in an action by his widow, as to the immediate cause of the accident. It was contended that the fact that the fly wheel and machinery were not securely guarded or fenced, contrary to the provisions of "The Quebec Factories Act" (R. S. Q. arts. 3019-3053), was sufficient evidence of negligence to make the employers of the deceased liable.

Held, reversing the judgment of the Court of Queen's Bench, that it was necessary to prove by direct evidence, or by weighty, precise and consistent presumptions, that the accident was caused by the positive fault, imprudence or neglect of the employers, and for want of such proof they were not liable.

Held, further, that the said provisions of The Factories Act are