00 allowed by fault" of the es not appear do not dissent

the judgment

mployed but y hired, conles by steam, were bored. same work his way he ere loading der a heavy the quarry tely underaway, that had barely ne box full

under the duced enfor effect eir work-ork. This en when rt of the must be limit of rise to 1st have s work. stopped

where he was killed. It may have been to jest with his co-workers. But it is clear to me that whatever the reason, it was not in the course of his work, and he was not under the condition required.

"The next point is whether the words "only support" in sub-sec. c. of section 3 of the Act is a question of fact or a question of law. We are all of the opinion that it is a question of fact, and the sub-section should be interpreted in that sense."

Mousseau et Gagné, avocats de l'appelante. A. S. Déguire, avocat de l'intimée.

COUR SUPERIEURE.

Examen préalable. — Assignation. — Règle nisi. — Contrainte par corps. — Avis. — Procureur ad litem.

MONTREAL, 6 novembre 1910.

BRUNEAU, J.

JOSEPH LALONDE vs J. C. MacKAY et al.

JUGÉ.—10. Que lorsqu'un subpœna assigne un témoin à comparaître "devant ce++2 cour siégeant au greffe", ce fait pourrait induire le témoin en erreur et être suffisant pour faire casser une règle nisi prise sur ce subpœna, si le témoin s'est rendu au greffe, mais s'il ne s'y ait pas rendu, il n'a pas