

OSLER, J.A.

JUNE 11TH, 1903.

C.A.—CHAMBERS.

RE LENNOX PROVINCIAL ELECTION.

*Parliamentary Elections—Bribery—Summonses to Persons Charged—
Directions as to Trial.*

Application for summonses against various persons charged with bribery at the election .

E. Bristol, for applicants.

OSLER, J.A.—The applicants, if so advised, may take out a summons against each person charged, and, as there are not at present two Judges on the rota of election Judges available for the purpose of trying them, they must be made returnable, as provided by sec. 188 (2) of the Election Act, before any Judge of the High Court holding a sittings of that Court at Napanee for the trial of civil or criminal causes.

JUNE 13TH, 1903.

DIVISIONAL COURT.

PEARCE v. ELWELL.

*Master and Servant — Injury to Servant — Factory — Machinery—
Absence of Guard—Defective Guard—Findings of Jury—General
Verdict—Pleading—Notice of Accident.*

Plaintiff was a young woman employed by defendants in their laundry to work at a machine used for mangling and ironing clothes. While at work at this machine one of her hands was caught between two rollers and she was injured. She brought this action to recover damages for her injuries. The statutory notice of accident stated that it was caused by the absence of a guard to the machine. The statement of claim charged that the machine was a dangerous one, and was not properly guarded. Defendants alleged that it was properly guarded, and that the accident arose from plaintiff's carelessness.

The action was tried before BOYD, C., and a jury, at Hamilton.

Plaintiff and other witnesses swore there was no guard at the time of the accident. Other witnesses swore there was a guard. The machine with the guard on it was exhibited to the jury, and counsel for plaintiff contended that, even had the guard been on, it was not a proper or sufficient guard, and that it might easily have been made effectual without