

Full Court.]

[Jan. 30.]

MCGREGOR v. CANADIAN CONSOLIDATED MINES.

*Statute, construction of—Penal statute—Inspection—“Machinery hereinafter mentioned,” meaning of.*

Rule 21a of s. 25 of the inspection of Metalliferous Mines Act, as enacted by s. 12 of c. 37 of 1902, provides that “every person . . . employed in or about a metalliferous mine in which the machinery hereinafter mentioned shall be operated for more than twenty hours in any twenty-four, (1) operates any direct acting, geared or indirect-acting hoisting machine exceeding fifty horse-power, or (2) operates any stationary engine or electric motor exceeding fifty horse-power, and shall perform any such duties for more than eight hours in any twenty-four shall be guilty of an offence under this Act.”

*Held*, that the phrase “machinery hereinafter mentioned” must be read distributively; or as meaning “any of” the machinery hereinafter mentioned.

*Held*, that the words “preceding section” in Rule 21b, refer to the preceding rule.

Decision of DUFF, J., affirmed.

A. H. MacNeill, K.C., for appellants. Maclean, K.C. (D.A. G.), for the Provincial Government.

Errata are things which will occur in the best of regulated publications. Sometimes the original scribe is to blame; sometimes an over-wise proof reader, sometimes an unwise printer. Perhaps most of the readers of the article on page 42 may have noticed that in two places the word “injury” was inserted in place of “inquiry,” to say nothing of the curious Latin on page 43, also that on page 82 on the twenty-first line the word “ascertaining” should read “enabling.” We trust our readers will make due allowances for a long suffering editor.

Injury to a passenger by a dog on a street car is held, in *Westcott v. Seattle, R. & S.R. Co.* (Wash.), 4 L.R.A. (N.S.) 947, to make the carrier liable.

A contract made on Sunday, the formalities of completing which are not finished until another day, is held, in *Jacobson v. Bentzler* (Wis.), 4 L.R.A. (N.S.) 1151, to be illegal.