

LEACH v. LINCOLN ELECTRIC LIGHT CO.—MIDDLETON, J., IN  
CHAMBERS—NOV. 30.

*Jury Notice—Motion to Strike out—Action under Fatal Accidents Act—Delay of Trial.*—This action was brought by a widow to recover damages under the Fatal Accidents Act for the death of her husband by electrocution. The defendants served and filed a jury notice. The plaintiff, desiring an early trial, moved to strike out this notice. MIDDLETON, J., said that the action was not one in which the service of a jury notice could be regarded as vexatious, nor could he say that the action ought not to be tried by a jury. The death took place only on the 7th October, 1914, and the action could not have been brought to trial at the St. Catharines non-jury sittings had it been held upon the day fixed; it had, however, been postponed until the 14th December. The solicitor and manager of the defendants swore that the jury notice had been given in good faith and not for the purpose of delaying the trial. The learned Judge was unable to find grounds upon which he could safely interfere; but his action now must not prejudice any course that the trial Judge might deem it advisable to take. Motion refused; costs in the cause. Featherston Aylesworth, for the plaintiff. A. W. Langmuir, for the defendants.

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HULL v. SENECA SUPERIOR SILVER MINES LIMITED—LENNOX, J.  
—DEC. 1.

*Master and Servant—Death of Servant—Action under the Fatal Accidents Act—Negligence — Evidence — Findings of Jury—Damages.*—Action under the Fatal Accidents Act to recover damages for the death of Regis Hull while working for the defendants in their mine, by reason of the negligence of the defendants, as alleged. The questions left to the jury were answered in favour of the plaintiff. LENNOX, J., said that there was evidence to go to the jury as to how Regis Hull came to his death. He charged the jury very carefully upon this point. It was not objected, when the jury brought in their findings, that question 5 or any question was not answered or not fully or properly answered. It was peculiarly a case for a jury; and upon the answers the plaintiff was entitled to judgment. Counsel agreed that the amount proper to be assessed under the stat-