

owner, and especially in view of what I take to be the object of passing sec. 19 of the Act, I can give no other meaning to the word than that in ordinary use and as defined above. If the legislators had intended it to have a wider or different meaning, they would, no doubt, have said so.

My view is, that the defendant the McLaughlin Carriage Company Limited does not come within the meaning of the word *owner*, and is, therefore, not liable.

Adams asks to be relieved, on the ground that, owing to the arrangement existing between him and Dalby, the car was beyond his control. That view is not, in my opinion, sustainable.

Adams, after purchasing the car, entered into an arrangement with Dalby by which the latter was to run it as a livery car and drive it and give Adams ninety per cent. of the earnings, retaining the other ten per cent. as his remuneration.

The relationship which existed between these two defendants was such as to render Adams liable for the occurrence; and, there being sufficient evidence to submit to the jury, and they having found as they did, I think judgment should be entered against Adams, as well as against Dalby, for the \$800 assessed by the jury, and costs; the costs against Adams being subject to the allowance of his costs of the day by Mr. Justice Latchford on the 30th January; the costs as against Dalby from the time judgment was signed against him on the 12th December, 1912, to be limited to what is applicable to assessing the amount of damages and entering judgment therefor.

The action, as against the McLaughlin Motor Car Company Limited and the McLaughlin Carriage Company Limited, is dismissed with costs; but there should be only one set of costs to these defendants.

LATCHFORD, J.

MAY 23RD, 1913.

PRESSICK v. CORDOVA MINES LIMITED.

Master and Servant—Injury to and Death of Servant—Action by Widow for Damages—Negligence—Statutory Duty—Breach—Contributory Negligence—Finding of Jury—Absence of Evidence to Support—Rejection of Finding by Trial Judge.

Action by the widow of John Arthur Pressick for damages by reason of his death while working for the defendants in their mine, owing to their negligence, as alleged.