

1906
 *June 6. } THE SHAWINIGAN CARBIDE CO. }
 (DEFENDANTS) } APPELLANTS;

AND

MARIE ST. ONGE ÊS NOM ET ÊS QUAL. }
 (PLAINTIFF) } RESPONDENTS.

Negligence — Electrical installations—Necessary protection of employees—Onus of proof—Voluntary exposure to danger.

APPEAL from the judgment of the Court of King’s Bench, appeal side(1), affirming the judgment of the Superior Court, District of Three Rivers, which maintained the plaintiff’s action with costs.

The action was brought by the widow of an employee of the appellant company who was killed by an electric shock while performing his work in the company’s power-house, near electric heaters and drying out transformers, to recover damages, sustained, in consequence, by herself personally and as testatrix of a minor child of the deceased. The plaintiff was awarded \$2,500 damages by the judgment at the trial, Cook, J., and the decision of the trial court was affirmed by the judgment appealed from. On the appeal the defendants contended that the deceased came to his death solely on account of his own carelessness in approaching too near to the heaters which he knew to be highly charged with electricity and of which he had due warning.

*PRESENT:—Fitzpatrick C.J. and Girouard, Davies, Idington and MacLennan JJ.

(1) Q.R. 15 K.P. 5.

After hearing counsel for the appellants and without calling upon the respondent's counsel for any argument, the Supreme Court of Canada dismissed the appeal with costs.

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SHAWINIGAN
CARBIDE
Co.
v.
ST. ONGE.

Appeal dismissed with costs.

Campbell K.C. and *Erroll Languedoc* for the appellants.

Lafleur K.C. for the respondent.
