

**Supreme Court of Canada**  
**Canadian Collieries Co. v. Dixon, (1917) 55 S.C.R. 620**

**Dated: 1917-10-15**

Canadian Collieries (Dunsmuir) Limited v. Dixon.

1917: October 9; 1917: October 15.

Present: Sir Charles Fitzpatrick C.J. and Davies, Idington, Duff and Anglin JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH COLUMBIA.

*Master and servant—Damages—Negligence—Jury.*

APPEAL from the judgment of the Court of Appeal for British Columbia <sup>1</sup>, maintaining the verdict at the trial in favour of the plaintiff (respondent).

This action was brought by the plaintiff on behalf of herself and children for damages occasioned by the death of her husband through the negligence of the defendant company. The deceased was in their employ, and while on the way out of one of the tunnels of a mine belonging to the company defendant, a cave-in occurred which caught the deceased and killed him. The tunnel, at the point of the cave-in, was timbered and the plaintiff alleged a defective system of inspection.

The jury found against defendant and assessed damages to the amounts of \$3,000 to the widow and \$3,000 to the children.

On appeal to the Supreme Court of Canada, the judgment of the Court of Appeal maintaining the verdict was affirmed.

*Appeal dismissed with costs.*

*Wallace Nesbitt K.C. for the appellant.*

*Farris K.C. for the respondent.*

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<sup>1</sup> 24 B.C. Rep. 34.